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Product Safety and Market Surveillance Package: No need to rush

Orgalime comments on the European Parliament's reports [A7-0355/2013](#) and [A7-0346/2013](#) to the Internal Market and Consumer Protection Committee.

To Members of the European Parliament

In the coming month, you will likely be invited to vote in first reading on the Product Safety and Market Surveillance Package which includes the European Commission's proposals for Regulations on Market Surveillance for Products (MSPR) and Consumer Product Safety (CPSR).

The whole package is for the moment blocked in the Council, due to split views on whether the suggested mandatory marking of origin improves consumer safety and product traceability (Art. 7 of the CPSR). Most Orgalime members are against such marking which we believe plays no role in improving consumer safety or product traceability, but adds costs for most manufacturers. Therefore we urge the European Parliament to delete Article 7 before proceeding to the adoption of its first reading.

However, we have many more sources of concerns with both Commission proposals as amended by the European Parliament's Committee on the Internal Market and Consumer Protection (IMCO) on the 25 October 2013.

Therefore, **we call on the European Parliament** to reject the adoption of the IMCO reports. This could trigger **a better inter-institutional compromise** for the benefit of all stakeholders, including consumers and SMEs, **under the next legislature**.

Our main reasons for this call are as follows:

Orgalime, the European Engineering Industries Association, speaks for 38 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.3 million people in the EU and in 2012 accounted for some €1,840 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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Consumer Product Safety Regulation (CPSR)

As stressed in our position paper on the IMCO Report on consumer safety¹, **there are many issues other than the “made in” that we believe are a source of confusion to consumers, legal uncertainty, administrative burden and unnecessary costs to legitimate economic operators**, especially the smaller ones:

1. Regrettably, the scope of the CPSR as set in the IMCO report does not exclude all products covered by harmonisation legislation with a safety objective. Thereby it leads to legal uncertainty. Amendments should aim at establishing a clearer borderline.
2. The introduction of a voluntary “*EU Safety Tested*” marking (Article 6 a (new)) adds confusion and costs to all without demonstrable benefits. Therefore, it should be rejected.
3. Many obligations applying to market operators outstep a pure alignment with the New Legislative Framework legislation. Article 8 in particular entails numerous costly and overburdening requirements without leading to more safety, and without considering their impact on small businesses, especially on those participating in manufacturing and innovation activities within the EU.
4. Vague concepts are introduced without clear requirements, such as the “*child appealing*” character of products (in Article 6 - paragraph 1- subparagraph 1 - point e); this should be amended in a recital or combined with due consideration for “*reasonably foreseeable conditions of use*” under parental supervision.

Market Surveillance of Products Regulation (MSPR)

We believe that the Report on market surveillance could be significantly improved by removing provisions that:

1. **cause legal uncertainty**, including the confusing cross-references to the CPSR (safety net approach, Article 13 – paragraph 2a (new)), the new definition of ‘*product presenting an emerging risk*’ (Article 3 –point 13a (new));
2. **deprive economic operators of their rights** : various restrictive obligations in the MSPR’s Report 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. **add costs and administrative burdens** on top of the existing harmonised product specific legislation (e.g. Article 6 – paragraph 1 – subparagraph 1 and Article 33 - paragraph 1 on third-party auditing);

Therefore, **we call on the European Parliament** to reject the adoption of the IMCO reports or to postpone the adoption of its first reading to consider in depth the impact that this legislative package will have. As it stands today, it will make life much more difficult and costly for manufacturers and will fail to achieve what it was meant to: a better framework for market surveillance to protect consumers, workers and very clearly manufacturers in Europe who need a level playing field and clear legislation which national authorities can apply.

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¹ CPSR - IMCO Report on consumer safety: Regulatory overshoot is counterproductive (14/11/2013). [More](#)