



ORGALIME

Position Paper

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IMCO Report on consumer safety: Regulatory overshoot is counterproductive

Orgalime believes that the Internal Market and Consumer Protection Committee's (IMCO) [Report](#) (A7-0355/2013) on the Commission proposal for a Regulation on Consumer Product Safety ([CPSR](#)) will not improve consumer safety, it will do just the opposite.

If the CPSR proposal were to be applied as amended by the European Parliament, it would be a source of confusion to consumers, legal uncertainty, administrative burden, and unnecessary costs to legitimate market operators.

Many additional requirements are counterproductive because they are either too complex or too vague to be correctly implemented in practice. Besides, the vast majority of companies (especially the smaller ones) and most market surveillance authorities would not have the staff or financial resources to ensure their correct application or enforcement.

It is regrettable that, in a period of economic crisis, politicians do not strive for simpler legislation with a clear-cut scope, but instead add unnecessarily bureaucratic requirements through overarching 'safety net' provisions without assessing their impact on the different product categories under the scope.

Therefore, we call on the Council to bring some common sense back to this proposal. This means:

1. **For the sake of better regulation and legal certainty, the scope of the CPSR should exclude all products covered by harmonisation legislation with a safety objective.**
 - a. Article 6 should not apply to harmonised products nor to aspects possibly not dealt with in harmonised legislation and be shifted to chapter II of the Regulation.
 - b. The corresponding cross-reference in the draft Regulation on the Market Surveillance of Products ([MSPR](#), Article 13 § 2 a (new)) should be removed.
2. **The voluntary “EU Safety Tested” marking (Article 6 a (new)) should be removed** in all cases. It adds confusion and costs to all without demonstrable benefits:
 - a. **Safety is not an option.** The voluntary affixing – at a high cost – of such marking will shed doubts over other consumer products not bearing it. The latter are not “less safe” if they comply with applicable Union legislation;
 - b. **The CE-marking should remain the only legal marking** attesting conformity of the product with all applicable Union requirements imposed on the manufacturer. Therefore, another marking with the same scope would be very confusing and detrimental to the meaning of the CE-marking.

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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- c. **Marketing choices should be left up to market operators.** Public authorities have no resources to protect this new marking from being forged. Consequently, fake “safety tested” markings will deceive consumers.
- 3. **Many obligations applying to market operators outstep a pure alignment with New Legislative Framework legislation. Article 8 in particular entails numerous costly and overburdening requirements.**
 For example, the obligation for manufacturers to carry out sample testing after placing products on the market “under the control of a judicial officer” is disproportionate, especially for manufacturers of simple or customised consumer products. It could not be enforced on manufacturers established overseas, has no effect on rogue market operators and would further weaken manufacturing investment in Europe.
- 4. **Vague concepts should be clarified.** Otherwise they will lead to varying interpretations and legal uncertainties. In particular, the “**child appealing**” character of products (in Article 6 § 1) cannot be assessed without due consideration for “reasonably foreseeable conditions of use” under parental supervision.
- 5. **Mandatory marking of origin (Article 7) plays no role in improving consumer safety or product traceability**, but would in most of our members’ view add extra costs to most manufacturers. Therefore we urge the Council to delete article 7.

RAPEX notifications show that 4 out of 5 products found to be dangerous for consumers were not compliant with Union harmonisation legislation.

Therefore **we consider that the best way to improve the marketing of safe consumer products is to efficiently enforce existing legislation.**

In Orgalime’s view, this could only result from a cost effective and adequately funded market surveillance system, relying on an efficient and unambiguous regulatory framework.

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