

Position Paper

CE+ Marking of Products

“DRAFT REPORT on the proposal for a regulation of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC COM(2013)0078 - C7-0042/2013 – 2013/0049(COD), Committee on the Internal Market and Consumer Protection, Rapporteur: Christel Schaldemose” vom 17.6.2013

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Page 1

The above mentioned IMCO report calls for a CE + marking to be affixed to consumer products, in addition to the established CE mark, in order to ensure the safety of the product. The CE + marking is based on third party testing. BITKOM strongly opposes the proposal for such a CE+ consumer mark for the following reasons:

An additional mark on the product does not guarantee the safety of the product, but is yet another burden and requirement for diligent manufacturers implementing all applicable legislation.

The core of the issue is that some manufacturers do not meet their legal obligations. The reasons for this can be that some market players do not fulfill their legal requirements by accident, but sometimes also intentionally. Affixing an additional CE+ mark to each product would generate considerable cost for manufacturers. Thus, stricter regulatory measures and any new requirements would disadvantage diligent manufacturers as they will have to implement these regulatory and administrative requirements and bear all associated (thus increased) costs for product compliance.

As a consequence companies not (strictly) operating according to legislation or rogue traders achieve yet another significant cost advantage by counterfeiting the new CE+ mark (thus avoiding the costs of 3rd part testing) or by not affixing the mark at all.

Therefore, the introduction of a CE+ marking scheme will not achieve the desired benefits and is, therefore, not effective.

Ultimately, only a strong and effective market surveillance carried out by the national authorities will significantly improve the quality of the market

Only sustained market surveillance activities accompanied by proportionate and dissuasive sanctions and penalties will keep unsafe products off the market. The maintenance of a level playing field is of utmost importance for the European economy by not creating disadvantages for diligent manufactures meeting their legal obligations.

There are several examples where unsafe products have been listed in the EU rapid alert system for dangerous products (RAPEX), although they have been tested by a third party and found to be safe. Other cases have become public through respective press releases.

Consumers will not be better informed by an increasing variety of marks on products.

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Position Paper

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Page 2

The added value and use of the many marks on products remain unclear to most consumers. Moreover, consumers are often unclear about the meaning of a specific mark, i.e. is it a legally protected trademark or a random mark created by an organization or market player. The meaning of the mark as a tool providing information is lost in the multitude of signs and marks.

A CE+-mark devalues the New Approach / New Legislative Framework (NLF).

The introduction of a CE+ mark in addition to the existing CE mark would imply the CE mark as being "insufficient".

Such a step would ultimately signify the failure of the New Approach and the recently introduced New Legislative Framework (NLF). The market access control mechanisms of the "old approach" could not prevent unsafe products from entering the market. This constituted a significant barrier to trade and incurred substantial costs for economic operators. However, current NLF mechanisms of the European Single Market are a model for other regions in the world. Failure of the NLF approach would send out a disastrous signal of great disadvantage for the European economy.

Results of the European Commission's study from 2008

Finally we would like to point out that the question of a European consumer safety mark certified by a third-party was previously examined in detail by the European Commission in 2008. The results of the study clearly provide overwhelming evidence against the introduction of such a mark.

About BITKOM

BITKOM is the voice of the information technology, telecommunications and new media industry in Germany. BITKOM represents more than 2,000 companies, of which 1,200 are direct members. They include nearly all global players as well as more than 800 powerful small and medium-sized enterprises and a lot of founder-managed creative companies. BITKOM's members generate an annual turnover of 140 billion Euros in total, exporting high-tech goods and services worth 50 billion Euros per year.