

DRAFT Speech by Christel Schaldemose, MEP for EFTA Workshop June 11, 2008

Why did the EP request a study on the possibility of a European consumer safety mark?

Thank you for the opportunity to speak here today. It is quite an impressive list of speakers and I am happy to be part of such a competent group of people.

I have been looking very much forward to this workshop, because I know it will shed light on the necessity and usefulness of markings.

As the rapporteur for the Decision on the New Approach I have been asked to talk about this request made by the European Parliament to the Commission last year. The task was to undertake a study of the possibility of a European consumer safety mark.

In September 2007, the European Parliament urged the Commission to assess the added value of creating a common European Consumer Safety Label, complementary to the CE marking, to be used by all economic operators, thus helping the consumer to make an informed choice between products.

The Parliament underlined that this European Consumer Safety Label must be voluntary and, when adopted by a producer, should replace all national safety labels.

In its report the Commission is expected to come up with potential solutions to the challenge that the CE marking was originally intended for economic operators and public authorities - not for the public.

As you may all know, the topic of safety marking for consumers has been debated quite emotionally in the European Parliament recently. The debate arose for two reasons:

1. The toys scare in 2007 where Mattel among others recalled millions of products. This resulted in extensive debates about how to prevent these kinds of hazards in the future.
2. The fact that the European Parliament and Council was working on the goods package

The toys scare showed us that EU legislation does not automatically guarantee that products coming from outside the EU are safe. Of course the rules were intended to have that effect. But production systems and global supply chains change a lot faster than European legislators change the rules governing these systems.

The Mattel case showed us that the system of market surveillance did not at all work the way we intended it to. The products were not found by European authorities, but by Mattel itself. One could say that at least the system of voluntary recalls works - but that is a small consolation knowing that not all companies would have done what Mattel did. For some companies it would mean the end of business to have to recall their products!

So what we tried to do with the goods package was to improve the system of market surveillance while at the same time making it easier for authorities to take legal action against economic operators who abuse the CE marking.

The goods package states that "member states shall ensure the proper enforcement of the CE marking and pursue violations and abuse of the CE marking by legal or other appropriate means". So this is not only a possibility for member states - it's an obligation. Something they were not all too keen on accepting.

Personally I fought hard for this paragraph. It underlines how crucial it is for member states to allocate the necessary funding to the area of product safety, for instance market surveillance.

In Denmark where I come from there is plenty of room for improvement - and there is no doubt that this enforcement is going to cost money in all member states. But it is absolutely necessary to make product safety a top priority if we are going to live up to our intentions of improving the internal market for goods.

In the goods package it was also agreed that the Commission should monitor the implementation of the CE marking in order to evaluate its effectiveness and define strategies to prevent abuse of the marking. This monitoring work will lead to a report from the Commission to the European Parliament later this year.

Personally I very am satisfied with the outcome of the negotiations with the Council. This being said, the future of the CE-mark is still unsure.

The reason the CE marking is still not "safe" from outside interference is the fact that there has been an enormous demand for a mark which ensures consumers that the products they buy are safe. And since the CE marking has not delivered - yet - the obvious response is to create a new and better mark!

Let me once and for all disappoint you. I am not naive enough to believe that it is possible to guarantee the safety of all products on the market by either creating a new mark or requiring certification for all these products.

Nevertheless we have to acknowledge that there is a political demand for a mark, which tells consumers that a safety evaluation of the product, they're considering buying has taken place.

Firstly, it was decided that the CE marking is the only marking of conformity indicating that the product is in conformity with Community harmonisation legislation.

Now the object of community harmonisation legislation is indeed to ensure safe products. So to say that the CE marking is not at all a marking of quality or safety is to say that the European requirements are not strong enough. And these rules - with the new approach directives - are actually made by us!

One of the issues concerning the CE marking is not so much the system behind the marking as it is the consumers' trust in it.

The EFTA study points out something very interesting: that few consumers actually look for marks on a product and few understand the meaning of marks.

So to think that we are going to solve the whole problem of unsafe products coming in from China across Europe everyday with just another mark, is not only naive - it's counterproductive.

However, blindly trusting the way the system works today is not going to work either.

With the exception of construction products, it is estimated that 95 % of products falling under the CE Marking is under module A. In other words: For 95 % of all products under the new approach, manufacturers are not obliged to have their products certified, but can declare themselves that their products are in conformity with European legislation.

This is the way we've agreed it should be. Before Mattel. But I am sure that we will see drastic changes in the future regarding the new approach directives. Take toys for instance.

Since the goods package is only a framework for future legislation, it wasn't possible for us as legislators to decide specifically what to do with toys.

Fortunately we already have the Commission proposal on the table, and one option which is being discussed right now in my committee is to change the certification requirements for toys.

In the U.S. toys for toddlers are tested and in China certification is also required for certain toys. I don't think the EU will continually let manufacturers get away with just declaring that their products are fine. I believe there is going to be some sort of certification procedure. But the more in-depth discussions are not yet finished, so let's wait and see what happens in the European Parliament and Council on this issue.

The way I see it we have to allow for the new framework to be used on sectoral product legislation. The first step in this regard is the toys directive. My wish is that member states will take their responsibility seriously and actually allocate enough money to the area of product safety.

If this becomes reality - and it has to - we will be able to enforce the CE marking much better and prosecute the operators abusing the mark. This way the credibility of the CE marking will improve and it will finally be a proper product safety instrument.

In the long run there is no doubt that both consumers, economic operators, and authorities are much better off with only one marking ensuring the safety of a product.

Thank you for your time!