

Brussels, 13 February 2013

Legitimate manufacturers to benefit from improved Product safety and Market Surveillance Package

Today, at a joint press conference by Antonio TAJANI, Vice-President of the EC in charge of Industry and Entrepreneurship and Tonio BORG, Member of the EC in charge of Health and Consumer Policy announced details about the much awaited *'Product safety and Market Surveillance Package'*. Adrian Harris, Director General of Orgalime announced *"At last the opportunity to level the playing field for legitimate market operators has been realised. The package provides a solid footing on which to build a market surveillance system that not only protects the consumers from a health and safety aspect, but also (from our perspective), just as important, also the companies that invest much time, energy and money to ensure that their products are compliant to all European legislation, namely in the environment and energy fields. This is essential to keep manufacturing investment and jobs in Europe"*.

The package provides better demarcation between non-harmonised consumer products and those subject to harmonised legislation, with the latter taking precedence. Additionally, the general obligations of market surveillance authorities (MSAs) are more detailed, including an obligation to act in case of formal non-compliance (not just in the case where a serious risk is posed) or if the relevant economic operator cannot be ascertained. The European Commission will also have more jurisdiction concerning the monitoring and facilitation of tasks for the MSAs, including a system of mutual assistance between MSAs - a European forum where stakeholders could be invited. Orgalime welcomes this Package, which should reinforce the excellent New Legislative Framework in place since 2010, should Member States make full use of its features.

As usual in these cases, Orgalime still believes there remain one or two areas of concern. Adrian Harris added *"There still remains an issue of legal uncertainty - a vital point for companies - if local inspectors take the discretionary decision to block a product because 'despite conformity with EU harmonised legislation the product is said to present a risk'. This, coupled with some 'regulatory overshoot' linked with traceability and conformity assessment requirements in the new regulation on consumer product safety, leaves us with some unfinished work to ensure that this new legislation does not add to the cumulative burden of EU regulation which disadvantages local manufacturers"*.

Ends

Notes for Editors:

<http://www.orgalime.org/position/efficient-and-effective-market-surveillance-priority-preserve-benefits-internal-market-and>

Orgalime, the European Engineering Industries Association, speaks for 39 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.2 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.

www.orgalime.org