

**CERAME-UNIE'S POSITION ON  
PRODUCT SAFETY AND MARKET SURVEILLANCE PACKAGE**

- ▶ **Cerame-Unie welcomes the European Commission proposal for a legislative Package on Product Safety and Market Surveillance**, which aims at harmonising the fragmented rules for market surveillance for products and ensuring better information for consumers.
- ▶ In line with its historical position, **Cerame-Unie supports the principle of mandatory origin marking for consumer goods**, i.e. Article 7 of the Product Safety Regulation. Cerame-Unie believes that origin marking would facilitate controls and enforcement of the proposed legislation. However, the main aim of the regulations should be to simplify the market surveillance while avoiding any disproportionate and unnecessary burden as currently proposed by Article 8 (7).
- ▶ **Further clarification of the scope and exclusions:** The notion of “consumer goods” in the context of product safety needs to be better defined. In addition, sectors concerned by the exclusion from Chapters II and III under Article 2(4) shall be clearly identified to reduce the scope for interpretation.

**Cerame-Unie welcomes the European Commission proposal for a legislative package on Product Safety and Market Surveillance.** This proposal communicated on 13 February 2013 ([COM\(2013\)74](#)) advocates better coherence between product safety and market surveillance requirements, and aims at better efficiency and clarity for implementation, as well as enhanced legal certainty. Cerame-Unie believes that product safety requirements must be accompanied by sufficient market surveillance in order to inform the consumer and ensure a level playing field between industries and avoid distortions affecting competitiveness.

The new proposed regulations on product safety COM(2013)78 and market surveillance COM(2013)75 will cover almost all consumer products placed or made available on the market, whether in the harmonised or non-harmonised domains, thereby ensuring a uniformity of rules and legal clarity. In order to guarantee a maximum legal certainty, it should be ensured that the scope of both instruments as well as their relation with other legislations is clear. This remark applies in particular to products that are already covered by harmonised legislation. The definition of ‘consumer products’ shall also be clearly explained, especially as to whether it excludes products intended for professional use. Indeed, among the European ceramic sectors several ceramic products can be used in a variety of different “end-use conditions”, and thus be used by both professional and non-professional users.

**Cerame-Unie appreciates the effort of the European Commission to harmonise the fragmented rules for market surveillance for products through the Market Surveillance Regulation COM(2013)75.** This will level the playing field for market operators, including importers, distributors and manufacturers, considering that EU requirements and legislation related to health & safety, environment and energy constantly increase for the European manufacturers. This Regulation should provide a solid basis to build a market surveillance system that not only protects consumers, but also the companies that invest time and money to ensure that their products are compliant with the European legislation, especially in the health & safety, environment and energy areas.

**Cerame-Unie also welcomes the proposal for harmonised rules on product safety COM(2013)78, which will ensure a better information for consumers.** This will help to guarantee that specific EU requirements for product categories are defined via a single procedure, thereby maximising legal certainty and regulatory consistency, whilst not compromising safety. The harmonisation of the product safety legislation should improve its enforcement, reduce administrative burdens and compliance costs for businesses, and create a level-playing field for legitimate business. Cerame-Unie understands that the new Regulation would establish a single alert system regarding products presenting a risk. However, Cerame-Unie calls for the enforcement authorities to prevent that unsafe products placed on the market are possible for redistribution in the EU, since the current practice allows it. Moreover, the new regulation should not only define the responsibilities of economic operators, but also of consumers. Hence, the safety of products can only be ensured under a normal use and by the population they are intended for.

**Cerame-Unie supports the exclusions from Chapters II and III, as laid down in Article 2 (4) of the Product Safety Regulation,** for sectors for which the protection of human health & safety has been already harmonised by the EU legislation. However Cerame-Unie sees the need to identify more specifically these sectors and the relevant harmonised legislations under Article 2 (4). These sectors should notably include all materials covered by the Construction Products Regulation (EU) No 305/2011 (CPR) and Regulation (EC) No 1935/2004 on materials and articles intended to come into contact with food. Accordingly, materials in contact with food should be addressed in Article 2 (4) and not in Article 2 (3) of the Product Safety Regulation. These changes would reduce the scope for interpretation and facilitate the implementation of the Product Safety Regulation.

**In addition, in line with its historical position, Cerame-Unie supports the principle of mandatory origin marking for consumer goods** and particularly for all sectors which already supported the legislative proposal on mandatory origin marking COM(2005)661 for products imported from third countries. Under Article 2 of the Product Safety proposal, origin marking would apply exclusively to “consumer goods” such as ceramic tableware, wall & floor tiles or bricks & roof tiles. On this basis, Cerame-Unie understands that the Product Safety Regulation, hence origin marking, would not apply to industrial ceramics, namely technical ceramics, refractories, abrasives and superabrasives. Cerame-Unie supports a limitation of the scope of origin marking to genuine consumer goods.

This provision is in line with the **growing demand for more transparency on the origin of finished products**, and ensures that consumers are informed on products that are subject to higher energy, environmental, health and safety requirements under EU legislation. The Product Safety and Market Surveillance package also represents a unique opportunity to take advantage of the advanced European environmental and social legislation and to turn it into a competitive advantage factor for the European

products, versus the ones imported from countries with lower social and environmental standards, since origin marking also helps the consumer to distinguish and choose among products.

**Cerame-Unie would like to emphasise that origin marking is already applied in several sectors** for which benefits to the EU consumer outweigh by far any potential additional administrative costs for placing the mark of origin.

As far as ceramic products are concerned, origin marking is usually determined under existing rules of origin by the place of first firing.

**Importantly, Cerame-Unie would like to remind that major European economic partners such as the US, China and Japan, already apply the origin marking scheme.** Therefore, the proposed Article 7 would establish a level playing field for EU companies which already have to comply with origin marking requirements at international level. The “made in” labelling initiative has already been extensively promoted by certain EU countries, e. g. France and should be extended to the whole EU. Last but not least, the origin marking is expected to reduce the incidence of fraudulent or misleading indications of origin, as it is often the case under the current practice.

**Lastly, the package should not create any disproportionate bureaucratic burden.** For instance, regarding the required indication of a contact address in Article 8 (7) of the Product Safety Regulation, which would apply to consumer goods not harmonised under EU legislation, it should be made clear that this does not necessarily imply a postal address. EN Safety standards and some national regulations have defined that a registered trade mark, and a traceability code of the producer are sufficient and well adapted to these products. Furthermore, the instructions and safety information of a product as laid down in Article 8 (8) should allow the use of cartoons and pictograms for better information of the end-user and an efficient and cost effective option for the manufacturer.

*The European Ceramic Industry covers a wide range of products including abrasives, brick & roof tiles, clay pipes, wall & floor tiles, refractory products, sanitary ware, table & decorative ware, technical ceramics... It accounts for more than 200.000 direct employments and a production value of € 25 billion within the EU.*

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