

**Consumer Assembly, 10 November 2004**

**CEN/CENELEC KEYMARK Scheme -**

**Towards a single European quality mark?**

## **Introduction**

### Slide 2: Contents

This presentation will reflect on the CEN/CENELEC Keymark scheme and its potential as a European quality mark. To this end, the presentation will address the following issues:

- Brief introduction of ANEC and its activities
- Assessment of the CE marking from a consumer perspective
- Key features of the CEN/CENELEC KEYMARK
- Conclusions

### Slide 3: ANEC in a nutshell

ANEC is in short *the European consumer voice in standardisation*. It is our mission to represent and defend consumer interests in standardisation and certification. ANEC was established in 1995 as an international non-profit association under Belgian law. ANEC represents consumers from all EU Member States and the EFTA countries. ANEC is funded by the European Commission and EFTA, whilst national consumer organisations contribute in kind.

The Brussels based Secretariat coordinates a Europe-wide network of more than 200 consumer experts who on top of their daily jobs in consumer organisations, academia or consumer bodies within standards institutes contribute to ANEC's activities as volunteers. ANEC representatives directly contribute to more than 70 technical and political bodies in European and international standardisation.

### Slide 4: Areas of priority

Our areas of priority are: child safety, design for all, domestic appliances, the environment, the information society, services and traffic safety. In these areas we have standing working groups.

### Slide 5: Why does ANEC matter?

*Why is consumer participation so important?*

Standards affect us all every day and everywhere. They can help make our lives easier and the products we buy safer. Standardisation is not just about product safety, conformity and harmonisation but also about accessibility, performance and environmental features of products and services. In addition, it is the intention of the European Commission to extend standardisation to new areas such as the environment, services and e-commerce. Standards deal with a variety of issues, for example, ensuring that a washing machine cannot be opened during operation, or that credit cards have the same basic features and can be used everywhere.

Slide 6: Why does ANEC matter?

**Consumer participation in standardisation** is important. Firstly, consumers are the ones that are most affected by the standards at the end of the process. Secondly, it counterbalances the industry view. Thirdly, goods and services based on standards developed with consumer participation are more easily accepted in the marketplace. Last but not least, in the European Union, standards complement legislation. Consumers ensure that the public interest is taken into account.

### Slide 7: Research is key

*Research is key in our activities:* Consumers have to back up their arguments with scientific evidence. Hence, ANEC invests considerably in research and testing projects so as to have scientific information at our disposal. This is of particular importance where a consumer representative has to argue his case against a strong industry majority.

### Slide 8: Example Traffic Safety

In March 2003, ANEC published the results of its research, testing the strength of rear seats in cars. The car crash tests show that rear seats in cars need to be improved to ensure the safety of passengers. The tests revealed that rear seats are rarely strong enough to fully withstand the force from luggage placed in the boot of a car that is thrown forward when the vehicle is involved in a frontal impact.

### Slide 9: Why does ANEC care about certification and quality marks?

Consumers expect that the products they buy are safe for use. Transparency is important to ensure that consumers have faith in the power of the Internal Market to benefit them as much as it does business. Transparency means information in the first place. The interest in product information has considerably increased in the past years

because consumers are facing more complicated products but they still want their freedom of choice.

Marks on products issued by an independent conformity assessment, certifying that the product lives up to certain standards, are an essential source of information for buyers and consumers. Therefore, certification and marking are of major importance to help to provide transparency towards consumers on safety, quality and performance.

#### Slide 10: New Approach

When discussing the KEYMARK and a European quality mark, one cannot avoid taking into account the CE marking which is directly linked to the European Internal Market and the so-called New Approach to technical harmonisation. However, after almost 20 years of operation, we can hardly call it 'new' anymore. Under the New Approach, the European legislator restricts himself to define essential safety requirements in the directives whereas the technical solutions are left to the standard makers, the three European Standards Bodies (ESOs), namely CEN, CENELEC and ETSI.

New Approach directives refer to large sectors of product such as low voltage equipment, ranging from toaster to vacuum cleaners, or toys, construction products, medical devices, or gas appliances.

#### Slide 11: New Approach

New Approach directives are based on a number of principles one of which is that the producer has the ultimate responsibility to place only products on the market, which fulfil the essential safety requirements and to certify their safety by affixing the CE marking.

#### Slide 12: Evaluation of CE marking

We as consumer advocates do know too well that not all products circulating in the Internal Market are actually safe. In the UK, for instance, tests by Consumers' Association over many years show that about 7% of the products they test, have serious safety problems. In the Netherlands, enforcement officers identified 15 – 20 % as unsafe!!!

### Slide 13: Evaluation of CE marking

Many products available in the Internal Market do not meet the minimum requirements even though they bear the CE marking. As you know, the CE marking is a self-declaration by the manufacturer that the product complies with the legal provisions. It is mandatory for all products falling under New Approach directives. It does not necessarily involve third parties or testing for safety. Actually, the rules governing the CE marking consist of a complicated modular system ranging from self-certification to the use of notified bodies. It is completely intransparent to consumers because in principle it shall be affixed to all products of the same kind. The consumer gets no added value seeing the CE marking.

### Slide 14: Evaluation of CE marking

From a consumer perspective, the CE marking does not provide extra information on the quality of the product. On the contrary it is actually misleading. It is addressed to authorities. Why then affix on the product? In our comment on the Commission Communication “Enhancing the New Approach”, we propose to put the CE marking on the technical documentation only. Also in some cases it is not clear whether a product shall have the CE marking or not.

Slide 15: Evaluation of CE marking (picture)

Example: In general, a dummy is not CE marked as there exists no specific sectorial New Approach directive for childcare articles. If the dummy, however, is attached to a doll it is perceived as a toy and must be CE marked. To make it more complicated: The dummy has also to be CE marked in case there is a thermometer added to it because it then falls under the Medical Device directive.

This said, ANEC is concerned about the misleading impact the CE marking has on consumers. The majority of European consumers misread the CE marking and do not know what it stands for. In many cases consumers do rely on it, in particular with respect to safety. These are the findings of a study that had been published on behalf of the European Commission, DG SANCO in 2000:

34 % of the European citizens perceive the CE marking as a mark of origin, meaning the product comes from the EU. 20 % think that it is a guarantee for high quality and that the product is not dangerous. More than 20 % of European consumers admit that the CE marking somehow has an influence on the decision to buy the product. There is a striking difference in answers across Member States. 55 % of French consumers perceive the CE marking as a mark of origin and 25 % of Greek



consumers are convinced that the CE marking indicates that the product is not dangerous.

All in all, the CE marking is not providing valuable information or transparency towards the consumer. On the contrary, it is misleading and thus undermining consumer confidence in the Single European Market.

#### Slide 16: European quality mark

As much as ANEC is concerned about the CE marking and its misleading impact on consumers as much we are convinced that there is a need for a single European quality based on third party certification.

It is important for consumers that such a certification mark would cover more than just one aspect – safety - of the product in order to provide added value. Consumers become more and more sophisticated and their concerns are not limited to safety issues anymore as it might have been the case in the past. As a consequence, a European certification mark ought to take into consideration all aspects addressed in European standards: safety, accessibility as well as performance and environmental aspects.

For many years now, ANEC has called for a single European quality mark based on third party certification and being a source for genuine

information to the consumer – a mark that the consumer can have confidence in.

#### Slide 17: CEN/CENELEC KEYMARK

Back in 1992, the Council of Ministers encouraged the development of a European mark of conformity. In response, the two standardisation bodies CEN and CENELEC established the CEN/CENELEC KEYMARK scheme – with more or rather less success: a little more in the electrical sector covered by CENELEC and less in CEN covering all other products and services. Following criticism, in 2001, CEN launched a revival exercise of the KEYMARK and adopted revised rules.

#### Slide 18: CEN/CENELEC KEYMARK

Manufacturers wanting to demonstrate the conformity of their products with European Standards may use a national certification mark alone or in conjunction with the KEYMARK. The KEYMARK is the “harmonised European third party product certification system operated by bodies empowered by CEN or CENELEC.”

## Slide 19: Evaluation of the KEYMARK

Having initially welcomed the launch of the KEYMARK, ANEC is meanwhile concerned about the differences between the KEYMARK scheme when operated by CEN or by CENELEC.

1. Currently CEN grants the KEYMARK only in conjunction with the certification mark of the empowered certification body, for instance in the case of the British Standards Institute BSI only in combination with the Kitemark. The Kitemark may in some cases cover requirements additional to those entailed in the applicable European standards. ANEC is very unsatisfied with the provision that the KEYMARK can only be granted in conjunction with the certification mark of the national certification body. However, we hope that this might be a strategy to ensure market penetration so that at the end of the day, the KEYMARK will be known and replace the national marks.

CENELEC does not have the same obligation to combine the KEYMARK with the certification mark of the national certification body.

2. In CEN, the European Standards are covering different elements such as safety, performance, environment, and durability. In CENELEC, an important part of the European Standards are drawn up under the

Low Voltage Directive (LVD). These standards contain not only electrical safety, but also all other applicable safety aspects, such as mechanical and health safety. Other requirements, such as performance requirements, energy efficiency are covered in CENELEC by separate European Standards for which the KEYMARK is not used.

We believe this results in an unfortunate difference in meaning of the KEYMARK used in CEN and in CENELEC ultimately confusing the consumer.

Last year, CEN and CENELEC set up a Working Group tasked to look into the harmonisation of the operating procedures and to make proposals for aligning the scheme in both organisations.

#### Slide 20: Evaluation of the KEYMARK

This said, ANEC still hopes that the CEN/CENELEC KEYMARK scheme – despite its deficiencies – will evolve into a genuine European quality mark that will stop the mushrooming of national marks and as an ultimate goal replace them. To this end, we urge the European Standards Bodies to launch the KEYMARK scheme in consumer relevant and high profile sectors such as toys, childcare articles and playground equipment. Also,

we actually would like to challenge that they own it – it was developed by participants from various countries and groups.

#### Slide 21: Evaluation of the KEYMARK (success)

We feel that the success of the KEYMARK depends on a combination of:

1. Simplified rules
2. Acceptance and support from national standards bodies operating certification schemes whose business is at stake
3. Acceptance by industry that will benefit from reduced testing and certification costs, which in principle should result in greater choice, and lower costs for consumers.
4. Acceptance by the consumer, which, however, is closely linked to the integrity of the KEYMARK and recommendation from consumer organisations.

#### Slide 22: Conclusion

If industry and politicians want to achieve the Lisbon objectives, they need consumer confidence in the European market. Therefore, they need to ensure a high level of safety, performance and other, and the

kinds of information consumers need. The vehicle could be a certification mark based on third party testing. The Commission, European Parliament and Council should be in the forefront demanding this. The Single European Market needs a single European certification mark!

Slide 23 with ANEC address

Thank you for your attention!