

EFTA Workshop in Brussels on 11 June 2008:

“Certification and marking for Europe.”

In cooperation with the European Commission and the European Parliament.

What are consumer needs/expectations with regard to safe products?
What is the contribution of certification and marking.
Can certification and marking meet these needs/expectations alone?

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Mr. Chairman, ladies and gentlemen,

I would like to start my presentation by thanking EFTA for giving me the opportunity to address you here today on behalf of ANEC, the European Consumer Voice in Standardisation.

I have been asked to answer during my presentation the following questions:

- What are consumer needs and expectations with regard to safe products ?
- What is the contribution of certification and marking ?
- Can certification and marking meet these needs and expectations alone ?

Before answering these questions, I would like to come back to the two findings in the study that relate to consumers:

Finding 5.7 “Are consumers looking for marks?”

This indeed needs to be questioned. ANEC believes the study gives too little evidence to conclude that consumers are or aren't looking for marks.

Although many consumers do not know the precise meaning of marks, it does not mean that they are not looking for marks. Many consumers associate these markings with 'quality' and 'safety'. This is one reason for our concern at the promotion of CE Marking on consumer products, to which I will come back later.

Finding 5.8 “Consumer organizations don't trust marks”

We all know that there are many false, misleading and counterfeited marks appearing on products. For example, products with false GS marks enter the German market on a regular basis: detected abuses of GS and VDE marks on products of Chinese origin tripled from 2004 to 2006.

It is therefore logical that consumer organizations which test products submit all products to the same test regime, regardless of whether they have marks on them or not. Excluding marked products from safety testing would violate the principles of comparative testing and it would even be irresponsible to do so.

What are consumer needs/expectations with regard to safe products?

I can be very short and clear on that:

Consumers expect that the products they find on the market are safe.

Consumers need to have confidence in all aspects of the market place. The products they buy must conform to the claims the manufacturers make for them; consumers should not be misled by advertising and marketing claims; consumers should be able to rely on certification marks and labelling; consumers should not be compromised by the presence of counterfeits on the market place; and so it goes on.

In principle, consumer organisations consider that the highest level of product safety which is possible and practicable should be achieved through legislation, standards and most importantly market surveillance.

What is the contribution of certification and marking ?

In the past, national certification marks requiring third party testing of products have made an important contribution to levels of consumer safety. Certification is one of the ways to explain to the consumer that a product complies with a certain standard.

We are however afraid that certification marks have been undermined as a result of the confusion which has surrounded CE marking.

Consumers are confused about what the CE mark means and often rely on it too much as a sign that a product is safe. This is especially dangerous as it gives the consumer a false sense of security. Although the CE mark is a declaration by the manufacturer that the product complies to the required Directives, for most consumer products, the manufacturer does not even have to provide independent confirmation that the products have been tested for safety. Result:

unsafe products bearing CE Marking are continuing to be found on the European market. Another confusion surrounding CE marking is that a very big group of consumer products, i.e. those falling under the General Product Safety Directive, are not allowed to have CE marking on them.

At the recent CE Marking symposium in The Hague in February 2008, organised by the Food and Consumer Product Safety Authority of the Netherlands (VWA) the European Commission said "CE = safety". If one followed the Commission view that CE stands for safety, a toy bed for a doll, which has to be CE marked, would be 'safer' than a baby's bed, which is not allowed to be CE marked. During this two days' symposium, there was no case made for an added value to CE Marking.

CE Marking is no guarantee of safety or consumer confidence and gives no added value to consumers. It has never been intended as a mark for consumers.

The kind of mark we want is a mark giving consumers the information they want. It is important for the consumer that a certification mark covers more than just one aspect of the product, as the presence of a certification mark implies quality and confidence. Consumer concerns are not just limited to safety as was the case in the past. There is a real consumer awareness of environmental problems and these are being increasingly addressed in standards. It is only logical that any certification mark should take account of all aspects that are addressed in the standards, like safety, performance, environmental aspects, or even perhaps the use by elderly and disabled etc.

The kind of mark we want to see should reduce testing and certification costs for manufacturers, which should in principle result in greater choice and lower costs for the consumer.

This kind of mark should play an important role in promoting better transparency in the market-place.

It should also include regular testing and assessment of the manufacturer's quality system and sampling of the product, both at the point of manufacture and from the market;

Proliferation of marks will improve neither the understanding of consumers nor the cost of industry and consequently of consumers.

Can certification and marking meet these needs/expectations alone?

Certification and marking alone will not reduce the risks related to products.

There has to be enforcement of the mark. It is essential that enforcement authorities use their power and are given the resources to carry out spot checks. There needs to be a confidence amongst different national enforcement agencies. Joint surveys and exchanges could play an important role in encouraging the development of such confidence. The transparency of the administration of a certification scheme and the rigour of its enforcement are crucial to ensuring the credibility of the mark and its subsequent acceptance in the market place.

There is also a need for uniform sanctions against those who abuse the system. Penalties and sanctions should be imposed in case of fraud, with market surveillance authorities empowered to take action against false, misleading and counterfeited Marks;

To conclude, certification marks and claims of conformity with standards should aid transparency in the market place and allow for product differentiation. They should not confuse consumers and in so doing dislocate the free market mechanism.

After all, we should not lose sight of the overall objective, which is to put safe products on the market for all consumers, no matter which administrative arrangements there are in place, no matter under which Directive a consumer product falls and no matter how many marks it has on it.

Thank you.