Common framework for the marketing of products

2007/0030(COD) - 21/02/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the report drafted by Christel **SCHALDEMOSE** (PES, DK), amending, under the first reading of the codecision procedure, the proposal on a common framework for the marketing of products.

The principal amendments were as follows:

Objective and scope: a new Article stipulates that products placed on the Community market shall comply with all applicable legislation. When placing products on the Community market, economic operators shall, in relation to their respective roles in the supply chain, be responsible for the compliance of the product with all applicable legislation. Economic operators shall be legally responsible that all information they provide with regard to their products is accurate, complete and in compliance with applicable Community rules.

Manufacturers' obligations: manufacturers shall keep the technical documentation and the EC declaration of conformity for a period to be specified, proportionate to the lifecycle of the product and the level of risk after the product has been placed on the market. The manufacturer's address must indicate a single point at which the manufacturer can be contacted. Manufacturers shall ensure that the product is accompanied by instructions and safety information supplied in an official language easily understood by consumers and other end-users as decided by the concerned Member State .

Importers' obligations: importers shall place only compliant products on the Community market. Parliament has increased the level of responsibility the importers have to bear. Before placing a product on the market, importers shall ensure (rather than "verify" that the appropriate conformity assessment procedure has been carried out by the manufacturer, and shall also ensure that the manufacturer has drawn up the technical documentation. Where an importer considers or has reason to believe that the product is not in conformity with the appropriate legislation, he may not place the product on the market until the product has been brought into conformity. Importers shall, in all cases where appropriate for protection of the health and safety of consumers, carry out sample testing of marketed products, investigating, and, if necessary, keeping a register of complaints, non-conforming products and product recalls, and keeping distributors informed of such monitoring.

CE marking: The CE marking shall be subjected to the general principles set out in the Regulation on market surveillance. (Please see COD/2007/0029).

Conformity assessment body: a body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, can, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered to be such a body. Such bodies shall not engage in any activity that may conflict with their independence of judgement and integrity related to conformity assessment activities for which they are notified. This applies in particular to consultancy services

Safeguard measures: with regard to procedures to deal with products presenting a risk, Parliament stipulated that the economic operators concerned shall cooperate in any necessary way with the market

surveillance authorities. The market surveillance authorities shall inform the relevant notified body. Member States shall ensure that the appropriate restrictive measures are taken in respect of the product concerned, such as withdrawal of the product from their market, without delay.

Annex: Parliament made several amendments to the Annex, with particular reference to technical documentation the application for EC-type examination.