Common framework for the marketing of products

2007/0030(COD) - 09/07/2008 - Final act

PURPOSE: to establish a common framework for the marketing of products.

LEGISLATIVE ACT: Decision No 768/2008/EC of the European Parliament and of the Council on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC.

CONTENT: this Decision lays down common principles and reference provisions intended to apply across sectoral legislation in order to provide a coherent basis for revision or recasts of that legislation.

Subject matter and scope: the Decision sets out the common framework of general principles and reference provisions for the drawing up of Community legislation harmonising the conditions for the marketing of products (Community harmonisation legislation). Community harmonisation legislation will have recourse to the general principles set out in this Decision and to the relevant reference provisions of Annexes I, II and III. However, Community legislation may depart from those general principles and reference provisions if that is appropriate on account of the specificities of the sector concerned, especially if comprehensive legal systems are already in place, as for example in the fields of feed and food, cosmetic and tobacco products, common market organisations for agricultural products, plant health and plant protection, human blood and tissues, medicinal products for human and veterinary use and chemicals. Specificities also occur where sectoral needs require specific adaptation of the common principles and reference provisions, as for example in the fields of medical devices, construction products and marine equipment.

General principles: products placed on the Community market must 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 their products with all applicable legislation.

Economic operators are responsible for ensuring that all information they provide with regard to their products is accurate, complete and in compliance with Community rules applicable.

The Regulation sets out:

- harmonised definitions;
- common obligations for economic operators;
- common criteria for the selection of conformity assessment bodies;
- common criteria for the national notifying authorities;
- rules for the notification process;
- common accreditation provisions;
- a single definition for CE marking;
- common rules of responsibility for those who affix the CE mark to their products;
- a proper information and market surveillance procedure as a prolongation of the GPSD system; and
- harmonised provisions for the future safeguard mechanisms, to complement those for market surveillance.

Report: within one year of the publication of the Decision, the Commission should present an in-depth analysis in the field of consumer safety markings, followed by legislative proposals if necessary.

It should be noted that this legislation is closely linked to that for market surveillance. See COD/2007/0029).