

Product safety

Commission reintroduces 'made in' proposal

By Ophélie Spanneut | Wednesday 13 February 2013

With its adoption of legislative measures on product safety (for non-food products), the European Commission is making a fresh attempt to introduce 'country of origin' rules, blocked by member states since 2005.

The legislative package on improved product safety and market surveillance, presented on 13 February, is made up of two draft regulations, a multiannual plan of 20 concrete actions and a general communication. The primary aim is to clarify the regulatory framework, since rules are currently scattered in different pieces of legislation (see *Europolitics*4583).

The most controversial measure concerns the obligation to indicate the country of origin on products, whether it is from the Union or a non-EU country. Manufacturers or importers will have to make sure that the country of origin is shown on every product sold in the EU. For products manufactured in a member state, the 'made in' label may show either the EU or the specific state as the place of origin.

This rule is mandatory elsewhere: the EU is the only economic area where manufacturers and importers have a choice. The Commission tried to get this changed in 2005 but was held back by the Council of Ministers, divided between Southern countries in favour of the measure and Northern countries opposed to it. The European Parliament, co-legislator since the Lisbon Treaty came into force, adopted its position in October 2010, backing the measure by a very large majority.

Commissioner Antonio Tajani (enterprise and industry) had a hard time keeping this Article 7 in the draft regulation. He "strongly insisted" that it be maintained, as he himself said. According to a European source, Commissioners Karel De Gucht (trade), Cecilia Malmström (home affairs) and Janusz Lewandowski (budget) tried to have it taken out right up to the last minute. De Gucht does not consider such a measure useful to the product safety goal. Malmström and Lewandowski argued that it is virtually impossible to identify the country of manufacture in a globalised chain and that the measure will create further administrative constraints. Tajani and Tonio Borg (consumer policy), in charge of the package, maintain on the contrary that this information can help market surveillance authorities trace products. "Ten percent of products reported as dangerous have an unknown origin," said Borg.

To avoid any conflict in the World Trade Organisation (WTO), the proposal is no longer based on Article 207 (trade policy), but on Article 114 on approximation of legislation. The country of production is the country where the most important manufacturing process takes place, in line with the customs code.

REACTIONS

Among the different measures, the European Consumers' Organisation (BEUC) welcomes the possibility for the Commission to take specific permanent measures on categories of products. For

now, when dangerous lighters (too easy for a child to use) are discovered, for example, the Commission can adopt a prohibition measure only on an annual basis, which it has done since 2008.

The package does not cover consumer products alone, however. Professional products also come within its scope. A group representing the European machinery industry - CECE, CECIMO, CEMA, FEM and EUROMAP - welcomes the fact that risk is no longer seen as a threat only to health and safety, but also to the environment. It calls for the use of harmonised sanctions and notes that fees collected should be reallocated to enhancing controls.

UEAPME, representing SMEs, appreciates the treatment of “isolated cases,” products for which problems have been observed but only on one or a few items. “In virtually all cases, this is due to misuse by the consumer rather than to an inherent product defect. A fully-fledged procedure for notification to the competent authorities is clearly overkill in these cases,” notes the organisation.

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