

**EUROLAB POSITION PAPER
ON DOCUMENT CERTIF 96/4 : ELEMENTS TO BE
CONSIDERED FOR A CLARIFICATION OF THE MEANING OF THE
CE-MARKING**

There is a fundamental difference between the CE-marking and voluntary third party product certification marks :

- The CE-marking is affixed by the manufacturer or the company responsible for putting the product on the market and under its sole responsibility.
- The voluntary product certification mark is affixed in the context of a publicly available contract between the manufacturer or the company responsible for putting the product on the market and a third party organization which is the owner of the certification mark and issues licences to use it. The general terms of the contract and procedure are publicly available.

There should not be confusion, nor competition, between the two. Furthermore, the CE-marking is mandatory for products in the scope of new approach directives whereas product certification is voluntary.

Confusion may appear however when the CE-marking implies the intervention of a third party (notified body) but, in several cases, the alternative of the supplier's declaration (module A) exists when there are harmonised standards.

Even if the voluntary certification requirements and procedure match exactly those of the notified body, it gives at least one additional information to the market (buyers and market surveillance authorities), namely that the compliance to the requirements of the directive is ascertained by the intervention of a clearly identified third party, according to an identified procedure (itself controlled if the certification body is accredited).

It is therefore difficult to see on what legal principle Community regulation could be based to forbid the co-existence on a product of the CE-marking and a voluntary product certification mark, whichever module is chosen by the manufacturer.

It is the market which decides if the addition of a voluntary certification mark to the CE-marking gives a commercial advantage. It is also the market which leads the certification bodies to propose mechanisms which give an international dimension to this advantage, such as : a multinational operation, mutual recognition agreements between certification bodies, European mark of conformity to standards, accreditation of the certification body and mutual recognition agreements between certification bodies.

This commercial advantage of third party voluntary product certification is of course enhanced when its performance and/or safety requirements go beyond the essential requirements of the Directives. It is therefore no surprise that, more and more, voluntary product certification products take this orientation.

However, if the commercial impact of the CE-marking is to be developed in order that it may contribute to facilitating trade, it should be supported by the demonstration of its efficiency to create a level playing field. This implies that :

- The content of the intervention of notified bodies to support the affixing of the CE-marking be harmonised,
- The mode of selection and surveillance of notified bodies be more precise harmonised and credible, in particular the criteria and requirements they should fulfil,
- The route to conformity assessment (module) used by manufacturers, to affix the CE-marking be apparent,
- Market surveillance be developed and indeed demonstrates the efficiency of the CE-marking,
- Communication on the CE-marking and its content and meaning be developed (and supported by an adequate budget).