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CEOC International 47th General Assembly and Annual Meeting – A Great Success!



At the invitation of VdTÜV, CEOC International held its 47th General Assembly and Annual Meeting in Berlin on 4 and 5 June. The event was a great success both from the point of view of the very enjoyable social programme

organised by VdTÜV and the quality of the business programme and of the speakers invited.

The key issue of the Internal Market for Goods Package was extensively addressed during the first morning by Dr. Brie, MEP, rapporteur on the Regulation on Market Surveillance and Accreditation, Dr. Jäkel of the Federal Ministry of Economics and Technology, representing the German EU Presidency, Dr. Thione, President of EA and G. Jacques who chairs the CEOC-Eurolab Technical Commission on the subject. Issues addressed included the role of EA, the meaning of the CE marking and the national certification marks, the role of conformity assessment and notified bodies, cross-frontier accreditation and other issues of concern to the audience.

Dr. Wuermeling, Administrative Secretary of

State in the Federal Ministry of Economics and Technology, Germany, was the keynote speaker opening the General Assembly. He addressed the issue of the New Approach highlighting that its success story was inseparable from the Lisbon strategy to make Europe the most competitive area in the world by 2010, but also more general issues such as competitiveness, the reform of the EU and the renewed Lisbon strategy.

The General Assembly elected new representatives for CEOC International, including a new Vice-President, Mr. Simo Hassi, Inspecta Oy, Finland.

The 85 participants in the event will remember a very pleasant and fruitful Annual Meeting in a city full of history and symbols ...

IN
BRIEF

Workshop on the revision of the PED and Annual Reception

CEOC International will organise a half-day workshop on the possible revision of the Pressure Equipment Directive on 17 October 2007, preceded by the CEOC International Annual Reception on 16 October. The revision of the PED was already presented and discussed during the June Annual Meeting in Berlin. It is one of the main subjects of the CEOC International Technical Committee "CP" (Pressure Equipment).

Position Papers on the "New Approach"

CEOC International issued position papers on the proposed Internal Market Review, presented by the European Commission as "Internal Market for Goods Package" on 14 February 2007. You can find one paper on the proposed Regulation on Market Surveillance and Accreditation and a second one on the Decision on a Common Framework for the Marketing of Products on the web site: www.ceoc.com, "Communication", "Position Papers".

Events and Meetings

13.06.07 CEOC International workshop on the "New Approach" – Brussels, Belgium 26.06.07 CEOC International-DEKRA workshop on Incidents – Brussels, Belgium 04.07.07 Communication expert group meeting – Brussels, Belgium 12.09.07 TC CI (Inspection) meeting – Brussels, Belgium 13-14.09.07 TC CML (Machines, Lifts and Cranes) meeting – Brussels, Belgium 24.09.07 TC COH (Occupational Health and Safety) meeting – Brussels, Belgium 16.10.07 CEOC International Annual Reception – Brussels, Belgium 16.10.07 90th CEOC International Board Meeting – Brussels, Belgium 17.10.07 Board Brainstorming Session (morning) – Brussels, Belgium 17.10.07 CEOC International workshop on Pressure Equipment (afternoon) – Brussels, Belgium 18.10.07 JTCPTC meeting – Brussels, Belgium

CEOC International Mission Statement

Promoting safety, quality and the environment through independent inspection, testing and certification

The Internal Market for Goods Package from a rapporteur's perspective

Interview with MEP Christel Schaldemose (rapporteur on the Decision on a Common Framework for the Marketing of Products)



With regard to which issues do you feel that the Internal Market for Goods Package – and more especially the “Decision on the Marketing of Products” – will bring a significant improvement?

1) The goods package is an important piece of legislation, which I believe will help to improve the functioning of the Internal Market for goods. The free movement of goods is of paramount importance for the Internal Market and a catalyst for employment, growth and competition in the European Union. However, experience shows that there are a number of problems with the way the market is currently working. First of all there is a lack of consistency between the implementation and the enforcement of the legislation in different Member States leading to a risk of distortion regarding competition. Secondly there is a lack of understanding of and confidence in the CE marking. And thirdly the national authorities make use of a number of different control and withdrawal practices leading to an uneven level of protection of consumers in

the European Union.

When do you think that the package ‘Decision and Regulation on market surveillance and accreditation’ could be adopted and implemented?

2) The timetable set in the European Parliament means that the Parliament will most likely be able to finish its first reading in November 2007. I sincerely hope that this will be the only reading, whereby the Council would also be able to have the package adopted by the end of this year. The agreed requirements, definitions and clarification in the Decision will automatically be implemented when future legislation on goods is drafted, since it is in essence a framework for future legislation. This means that as soon as the Decision is adopted, it will in fact be implemented. The Regulation comprising the rules on market surveillance will enter into force shortly after the adoption, since regulations are always directly applicable.

The CE marking has long been debated as its meaning is unclear to many economic operators and consumers. What is your position on the CE marking, its clarity and credibility?

3) Personally I wasn't 100 % sure what the CE marking meant, before I began working on the Decision. And I'm not the only consumer, who is unaware that the CE marking is in fact not a consumer mark but the manufacturer's declaration that his product is in accordance

with the requirements in the legislation. In fact recent studies have demonstrated that a large proportion of consumers, - and less educated consumers in particular - have a poor understanding of the role and significance of the CE marking on the products they purchase. Furthermore the CE marking lacks credibility, since products bearing it are not always in compliance with the legislation. One way to strengthen the credibility of the CE marking is to improve the market surveillance, which the Regulation will cover. Also it is worth considering if we should perhaps simplify the meaning of the marking or launch Europe-wide campaigns to inform consumers about it.

What is your position on the proposed clarification of the role and duties of the different operators (conformity assessment bodies, manufacturers, importers)? Do you think it will improve the protection/safety of consumers and the economic interests of the operators who respect the requirements?

4) The proposed clarification of the roles and duties of the different operators is very much needed, since the current directives set out a number of different requirements, which are almost impossible for the operators to live up due to the sometimes conflicting requirements. One can always discuss whether the requirements should be set out in greater or less detail, but it is imperative that we make legislation in the future which is proportionate, simple and at the same time guarantees product and consumer safety.

«Package on Internal Market for Goods» – Where are we going?

by Guy Jacques (Vincotte, Belgium)

1. What is the package?

After two years of work on the «Review of the New Approach», the Commission officially launched the «Package on the Internal Market for Goods» on 14 February 2007. The relevant documents, including the views of the Commission are on the Commission's website¹.

The proposal is now in the process of a Co-decision procedure (European Council and European Parliament). The objective is to set up a new legal framework for the voluntary and mandatory aspects of the conformity assessment of goods (including market surveillance). One of the important political issues is the definition of the scope of the package. Some believe that food should be excluded, while others feel that medical devices are too specific to be included....

The Commission package includes three proposed texts:

- A Regulation on accreditation and market surveillance, which is currently discussed at Council level and is probably the most important text for CEOC International's members. The proposal introduces several legal requirements in order to promote a robust and credible accreditation process at European level. EA is a key element in the proposed approach. This might be politically difficult, as the Commission proposes to delegate extensive powers to EA (which are perceived as going as far as enabling EA, a private organisation, to recommend extensive guidelines for the Member States). This illustrates that the Commission's proposal is mainly based on sound technical and operational common sense, but it is likely to lack support on some aspects. One should

also note the harmonisation of existing European Regulations as Regulation 339/93 on checks for conformity for products imported from third countries which is repealed and integrated in the proposed Regulation.

- A Decision on a common framework for the marketing of products. The Decision is not legally binding (typically a sui generis document). The legislator will use its content progressively if and when needed in the framework of the amendments of the sectoral directives (New Approach directives).
- A Regulation on mutual recognition which was apparently not very much discussed, but could have very important implications.

As stated by the Financial Times of 12 February 2007, the proposals could be

1. http://ec.europa.eu/enterprise/regulation/internal_market_package/index_en.htm

equally hard fought as the proposals related to the Services Directive. I strongly hope that it will not be the case because the principles laid down in the two first proposals are contributing to clarify the process of conformity assessment in Europe. And hence it is added value for professional players, like the members of CEOC International.

2. Some comments

This is not meant as a deep analysis of the various aspects, but rather as an illustration of some issues of concern.

Cross-frontier accreditation

Article 6 of the proposed Regulation on accreditation and market surveillance sets extremely restrictive rules for “Cross-frontier accreditation”: the principle is that “where a conformity assessment body requests accreditation, it shall do so with the national accreditation body of the Member State in which it is established”. If totally impossible, other solutions might be considered. CEOC International does support binding rules restricting undue commercial competition between accreditation bodies as it would enhance the cred accreditation and avoid a race to the bottom. However, there are many good reasons for needing accreditation by a foreign accreditation body. Most of the stakeholders therefore feel that this requirement is over-killing and the article is very likely to be significantly amended.

Deletion of the concept of “putting into service”

The concept of «putting into service» is widely used in existing directives but has been replaced in the Proposal by «making available on the market». However, this new concept is not applicable to complex installations (assembly chain of a car factory...). CEOC International suggests using a definition based on the recently revised Machinery Directive (Directive 2006/42/EC).

For industrial facilities/products, putting into service is the frontier between the activities of the manufacturer (and notified body) and the activities of the user/employer (Framework Directive 89/391/EEC), as well as the authorities/organisations in charge of the surveillance of the work installations.

In the case of a “combined product” which is part of an industrial plant, the global compliance of the final product with all applicable directives can only be assessed when switching “on” the facility (putting into service). This is the final stage of a succession of “placing on the market” different components and sub-components (covered by different directives) by different operators in the supply chain. The legislator should be very careful to avoid creating a black hole where nobody will be responsible.

Accredited in-house bodies

The proposed Decision includes numerous articles defining the requirements for notified bodies. One of them is the surprising Article 25 relating to «accredited in-house bodies» which is very likely to create confusion. Article 25 refers to new specific modules giving the possibility to the manufacturer to choose between a notified body and an accredited in-house body to perform conformity assessment of its product. For most of the economic players these accredited in-house bodies will look like notified bodies, while they are simply the manufacturers’ laboratories and/or inspectors. Only few players really understand the rules applicable with regard to the affixing of the CE marking. CEOC International strongly believes that it is dangerous to create an unnecessary additional layer which seems mainly aimed at providing respectability to the manufacturers’ laboratories. The situation should remain as «simple» as it is now: depending on the risk, the legislation foresees a manufacturer’s declaration or the mandatory assessment by a notified body.

CE marking

By affixing the CE marking on a product, the manufacturer declares that the product is in conformity with the essential requirements in the applicable «New» Approach directives. However, it is still often perceived as an indication of origin or as a proof that the product has been tested and approved by some national supervising authority. CEOC International strongly suggests introducing a definition of the CE marking in order to avoid such misunderstandings.



Package on Internal Market for Goods Where are we going?

Conclusion

At this stage, the conclusion can be very short. The good questions are on the table and most of the proposed solutions are a significant step forward. The main risk is to see the coherency and consistency of the text diluted by a series of compromises sometimes imposed by badly informed operators. CEOC International will strive to provide decision-makers with the necessary information for them to ensure that the final texts bring real improvement to the existing situation.

RINA INDUSTRY



RINA INDUSTRY S.p.A. is a Joint Stock Company, having its head office in Genoa, Italy, fully owned by RINA Spa, set up by its parent company to meet the need for qualified technical assistance in the Oil & Gas, Power Generation, Infrastructures & Building and Security sectors, and linked industries.

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Directorate General “Technical Inspection” (DG “TI”) of SAMTS



The Directorate General “Technical Inspection” (DG “TI”) is a specialised administrative unit within the State Agency for Metrological and Technical Surveillance (SAMTS), which is a part of the state administration established to the Council of Ministers.

Main activities DG “TI” activities cover:

- In-service technical inspection (technical examinations, tests) of: steam and water boilers, boilers operating with organic heat-transfer media, pressure vessels, steam and hot water pipelines, gas installations, pipelines and installations for natural gas and liquefied hydrocarbon gases, acetylene installations; hoisting equipment, lifts, cranes, cableway installations and drag lifts.
- Licensing persons for carrying out technical inspection of high-risk equipment (HRE);
- Accident analysis;
- Keeping of HRE register as well as a register of the persons licensed for carrying out technical inspection of HRE.
- Registering and issuing of authorisations to persons performing activities related to maintenance, repair and redesign of high-risk equipment, striking these persons off the register making the granted authorisation invalid by a reasoned written order.
- Market surveillance of high-risk equipment, including machines placed on the market and/or put into service for which essential requirements are laid down in the respective ordinances under the LTRP, except for these offered in the commercial net.

Structure and staff

The Directorate is organised in one Head Office “State Technical Inspection”, located in Sofia and 12 Regional Departments throughout the country. The Head Office performs methodological and coordination functions. The total number of directorate’s staff is 127. The representatives of DG “TI” also take part in standardisation TCs, the activities of EC Working Groups under New Approach Directives and in various fora at national and international level.

Quality system

DG “TI” implemented a Quality management system which has been developed in compliance with the requirements of BDS EN ISO 9001:2001 and observing the requirements of BDS EN ISO/IEC 17020:2005 for inspection bodies.

For more information
please visit www.damtn.government.bg

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