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**CEPMC**

The construction materials and products sector accounts for some 4% of total European GDP and 15-20% of total manufacturing output. CEPMC represents the sector via 15 national federations and 22 European sectoral organisations.

**SUMMARY - CEPMC position statement on voluntary marks and CE marking under the Construction Products Directive****Background**

The CE marking is already a reality for a number of products under the Construction Products Directive (CPD). The replacement of national standards by harmonised technical specifications (European standards ENs and European Technical Approvals ETAs) will create a single internal market for construction products. The harmonised technical specifications offer reduced testing and certification for products selling in more than one Member State.

At the same time, CE marking will reduce the differentiation between products and increase competition on price. Manufacturers will therefore need to retain differentiation to protect brand value and voluntary marks (VMs) are one way of doing this.

There are concerns that some public and quasi-public regulators, testing businesses and certification bodies will seek to use voluntary marking as a way of maintaining control, business or surveillance in their local markets rather than accepting the single market. CEPMC strongly supports the European Commission in stopping this misuse of VMs.

Equally, CEPMC strongly supports the right of industry to use VMs where they add value to the CE marking and do not cause confusion. We believe that where voluntary marking schemes meet the four requirements listed below, the marks will be fully in line with and support CE marking.

**What are Voluntary Marks?**

Voluntary marks are by definition voluntary i.e. there is no regulatory requirement for them. The only mark that is required to show that a product complies with the harmonised requirements of the CPD is the CE marking. Therefore the CE marking is a regulatory mark. It is important to be clear on this. The CE marking is also used to show compliance with other relevant New Approach directives.

Products may need to comply with other regulations and laws in order to be used or sold. In some countries, a mark is needed to show compliance with this, while in other countries no mark is needed. There are many legally required areas that, in varying degrees, are not covered by the CPD e.g. environmental and packaging regulations. The CE marking gives a presumption that all relevant European directives are complied with.

For construction products, there is the complication of installation and performance of the building. National regulators are legitimately allowed to set their own requirements in this area although all new legislation has to be notified to the European Commission and other Member States ((Directive 98/34/EC). In some cases, there may be objections to the national building regulations as they could form a barrier to trade. It is not the role of this position statement to comment on national building regulations other than to note that some require products to be marked to show compliance with a particular regulation.

## **The four rules for Voluntary Marks**

*Firstly*, the mark must not be required by “public bodies or private bodies acting as a public undertaking or acting as a public body on the basis of a monopoly position” (Article 6.1 of the CPD). This definition would for instance cover certain insurance companies demanding extra certification if they were the monopoly supplier of insurance for certain types of buildings.

*Secondly* the mark must add value. There are three ways for this:

- Raising the level of attestation of conformity for the product above that required by the technical specification for CE marking
- Raising the level of performance of a particular characteristic
- Covering areas outside mandated requirements e.g. erection, installation. Note that mandated requirements include directives other than the CPD.

*Thirdly*, the scheme must have transparent rules that are applied in a non-discriminatory fashion. It must be open to any manufacturer or supplier who wishes to join. In particular, discriminating on the basis of nationality is illegal under Community law.

*Fourthly*, there should be freedom for anyone to start up a scheme if it complies with these three requirements. Manufacturers could own and run a scheme or sub-contract the management to another party. It is usual practice to include independent third party surveillance of the scheme as a way of increasing consumer confidence in the scheme.

## **Conclusion**

CEPMC believes that these are the only four requirements for a VM scheme. If they are met, then the scheme is fully compatible with CE marking. Various parties may

wish to see other requirements added for their own reasons but we do not believe they are justified. VMs are not a substitute for market surveillance nor are they, or should they be, a way of regulating through the back door. They should be run for the benefit of customers and manufacturers.

Manufacturers, consumers and the European Commission have nothing to lose and everything to gain from authentic voluntary marks combined with correctly enforced CE marking.

*The above is a summary of the full CEPMC position statement (CPD WG 02/245) which is available from CEPMC.*