



# Impact of the New Legislative Framework (NLF) on product safety: The manufacturers' viewpoint

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## INTRODUCTION

- Products have gone on improving. This has led to a win-win situation: safer products for workers and an increasingly open Community market.

## MAIN ADVANTAGES OF THE NEW LEGISLATIVE FRAMEWORK (NLF)

- **The NLF is a step forward on the road to better regulation:** It tends to simplify the application of existing product legislation. It provides a clear model for future product legislation. It reinforces the status and relevance of the CE-marking.
- **The NLF establishes a shared responsibility among market operators.** It sets common definitions and balances the obligations of manufacturers with those of importers and distributors.
- **The NLF should help enforcement.** The NLF is welcome because it will boost the role of market surveillance and pave the way for easier and better compliance.

## HOWEVER THERE ARE MANY CHALLENGES AHEAD FOR BOTH WORKER SAFETY AND OUR SMES' COMPETITIVENESS

- **The simpler, the better: harmonised enforcement is key to success** Questions: How will the NLF interface with, on the one hand, product-specific legislation on electrical safety, pressure equipment, machinery, etc.... and on the other hand with user-generic legislation, such as the General Product Safety Directive and occupational health directives? Will the impact assessment that is currently carried out on the revision of the Electromagnetic Fields Directive for the protection of workers take due account of the NLF? Impact assessments should focus more on compliance costs for industry and employers: the "small business test" should be a must.
- **Application of legislation by market operators should go with simple, cost-effective and workable procedures:** Worker safety requires a simpler regulatory system. What we need is that authorities apply the necessary checks of existing standards and conformity assessment procedures when carrying out their market surveillance and work inspection duties. Certification can help to handle the complexity of risk assessment, but only as a business service to manufacturers or administrations. In the end it is the manufacturer, not the certifier, who bears the liability for his product and the responsibility for his supply chain.
- **On the side of efficiency of the checks and controls chain, real harmonised enforcement is the key to worker safety:** The approach to controls, whether by customs, market surveillance authorities or worker inspectorates should be much more co-ordinated and consistent with handling the concepts of 'safety', 'hazard' and 'risk assessment'. Much greater use should be made of existing tools such as harmonised standards, the supplier's declaration of conformity and peer-reviewed risk evaluation methodologies. Why should regulators think of outsourcing their responsibility to a third-party certifier, when there is no certainty that private marks are a plus in the area of actual worker safety and compliance to legislation (due to rogue trading and forging of certification marks and certificates)? Member States' accreditation bodies have no investigative powers to verify the quality of certification carried out by test houses outside the EU.

The main challenge today is to ensure that all products placed on our market are compliant with EU legislation thanks to an all embracing framework and better enforcement.