

CE MARKING AND CERTIFICATION

INTRODUCTION

QABCB has very recently become aware of a UK Government initiative to address a perceived problem of inappropriate fixing of CE marks to products.

Most of UK national legislation implementing CE marking directives provides a protection for CE marking by making it an offence for (a) non-compliant goods to bear a CE mark, and (b) goods out of scope of a Directive that claim to be within scope to bear a CE marking.

The category of goods that the proposed draft legislation will affect is a third category, i.e. products that are outside of the scope of a Directive and make no claims to be within scope. An example being: for instance, the use of CE marking on a teacup.

The scenario the UK Government is proposing to counter is where a business is attempting to gain a competitive advantage by erroneously affixing a CE mark in order to mislead, rather than a regulatory non-compliance in itself.

The advent on 1st January 2010 of European Directive 765/2008; Regulation on Accreditation and Market Surveillance (RAMS), and specifically Article 30.2 of Chapter 4, states that the "CE marking shall be affixed only to products to which its affixing is provided for by specific Community harmonisation legislation, and shall not be affixed to any other product".

QABCB POSITION

QABCB are aware of an increase in CE Mark certification being requested within the QABCB regime. To date however, practically none has been conducted. Nonetheless, we feel it appropriate to issue this Advisory Notice to all Certification Bodies.

Historically, there has been a practice for many non-critical items entering the European Market to have the CE mark applied to them. In most cases there was genuine belief and evidence that the products met the general safety requirement and moreover, a perception that the CE mark was required. The advent on 1st January 2010 of European Directive 765/2008; Regulation on Accreditation and Market Surveillance (RAMS), and specifically Article 30.2 of Chapter 4, states that this is no longer so.

QABCB policy is to declare an interregnum until further notice. This policy does not otherwise affect the status of Certification Bodies, Inspection Bodies, Test House and Calibration Laboratories or Product Certifiers.

This position may alter pending UK regulatory position being more clearly defined

QABCB recognises that currently there is no offence where compliant goods bear a CE mark and are of such a category that a Notified Body is not required. Nonetheless this Advisory Notice remains applicable:

QABCB ADVISORY NOTICE

Effective from the date of this notice, QABCB do not accredit organisations to certify, authorise, permit or encourage the fixing of CE Marking to products, including associated literature.

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