

CEOC Bulletin



CONTENTS

Foreword by the President	1	Review of the New Approach, Dr. Eberhardt	3
Events and Meetings	1	Machinery Directive, MEP Dr. Andreas Schwab	3
Meeting with Jacques McMillan, European Commission - DG Enterprise & Industry	2	Highlight on Apave and VdTÜV	4
		Contact Details	4

Foreword by CEOC International President, Dr. Hugo Eberhardt, TÜV Austria.



CEOC International, its members and contacts will face a number of challenges in 2006. In order to better meet these challenges,

CEOC International has, firstly, created a new, clearer and more visible layout and logo and, secondly, employed an EU Affairs manager in its Brussels office.

In this Bulletin, CEOC International brings news about the review of the New Approach as well as about the revised Machinery Directive. This represents a continuity in our adopted focus, especially concerning the New Approach. Moreover, the aim of the Bulletin is to bring together and share CEOC International and its contacts' views on a range of issues. We are therefore pleased to present an article

by MEP Dr. Andreas Schwab, rapporteur on the revision of the Machinery Directive, as well as an interview with Jacques McMillan, Head of Unit at DG Enterprise.

By bringing together points of view from the EU Institutions, member organisations and other stakeholders, CEOC International remains a fully involved partner in the EU decision making process. As "independent safety professionals" we wish to ensure that practical verification and certification issues are taken into account at an early stage, thereby avoiding implementation problems.

IN BRIEF

CEOC International Annual Meeting

The CEOC International Annual meeting and General Assembly took place on 22/23 May in Bucharest, Romania. More information will be available on the CEOC International website soon.

Conference Room for rent

CEOC International plans to rent out its spacious, well-equipped conference room in the heart of the European quarter of Brussels. Interested parties can get in touch with a.grunert@ceoc.com.

Events and Meetings

07.03.06 CEOC International Board of Directors 03.04.06 Meeting of the Technical Commission 'Occupational Health and Safety', Brussels 04.04.06 Meeting of the Technical Commission 'Inspection', Brussels 15.05.06 Workshop Eurolab/ PLG on flexible scopes, Boras, Sweden 16.05.06 Eurolab General Assembly, Boras Sweden 20-23.05.06 General Assembly CEOC International, Bucharest, Romania + Meeting of TC chairpersons 05/06.06.06 Second joint Annual Meeting of CEN and CENELEC in Thessaloniki, Greece 07-09.06.06 EA General Assembly in Riga, Latvia. Together with the Latvian National Accreditation Bureau 20-22.06.06 16th International Congress on Vertical Transportation Technologies, Helsinki, Finland 27/28/29.06.06 2-day course on Boiler Maintenance, Inspection and Monitoring, London (European Technology development Ltd.)

CEOC International Mission Statement

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

INDEPENDENT SAFETY PROFESSIONALS

Latest news related to the review of the New Approach Meeting at the European Commission

Guy Jacques, Department Manager, Vinçotte, Belgium



On 16 February, a very interesting meeting was held in the offices of the Commission between three members of the Commission - Jacques McMillan, Head of Unit, Birgit Weidel, Martin Stadler - and two delegates from CEOC - Hugo Eberhardt, chairman and M. Guy Jacques Chairman of the JTC PTC.

The agenda of the meeting mainly focused on an exchange of views on the ongoing review of the New Approach. The fact that most of the Commission proposals related to Internal Market affairs are co-initiated by the three Commission participants present that day, made the discussion extremely fruitful and stimulating.

Presentation made by the Commission

During the first part of the meeting, Mr McMillan gave a brief overview of the status quo. The document Certif 2005-16 Rev 01 sent to Member States in December is a consolidation of the previous documents trying to put together the results of the discussions led in 2005. Moreover, the paper indicates possibilities for reasonable consensus. Two chapters are not yet included: the modules and the marking. According to the Commission, feedback was not sufficient to include a well-elaborated proposition. At the end of the day, the marking issue could be related to a mainly political decision.

The target is to finalise an internal proposal during summer. An approval at Commission level could be reached in autumn at the earliest.

Some issues can be considered as finalised. As far as accreditation is concerned, all stakeholders agree on the basic principles. Of course, details for joint implementation with EA are still to be refined. Furthermore, it has been pointed out that the Commission does not intend to reinvent the wheel on the modules debate. One of the questions still under consideration is whether and how the interface between putting into service and the use

of the product should be covered. This question is related to the proposed inspection module.

Market surveillance remains the most significant issue with the emphasis on proposals on the most appropriate procedures for the exchange of information. The cost of complying with this obligation could be substantial at Member State level, but – on the other hand – this is fully in line with the agreements made within the scope of the Lisbon Agenda (market surveillance identified as one priority by MS). In any case, it has never been the Commission's intention to reduce market control.

Apart from the marking and the module issues, the ways to handle metrology and a possible legal base for inter-comparison are still under debate.

The Certif 2005-16 will be revised in order to clarify the positions and take on board some first comments made on the document¹. Its purpose is to facilitate as much as possible a common understanding of the background. This includes a correction of the visual aspects of the document; for instance, notification and accreditation details – although not being the main issue – take a lot of space and should instead be put in an Annex.

Presentation of CEOC International's position

The meeting was a very good opportunity to discuss the background of the JTCPTC comments related to the latest working documents of the Commission (document EL-CEOC/NA/2006-1 final finalised on 15 January 2006 – available on CEOC International website). One page is of course too short to go deeply into vital but very technical issues. CEOC International proposed further exchanges on the following issues:

- The inspection module, which could blur the distinction and create an overlap between conformity assessment and market surveillance. The paradox is that the overlap between the new approach directives and the corresponding directives related to the safety of the worker at work could create a black hole where neither the manufacturer nor the user could be held responsible.
- The optionally proposed «Q module», implying, when applicable, mandatory full compliance with ISO 9001:2000 could cause problems for SMEs.
- The definition of a manufacturer in the document looks fully adequate for consumer goods and the related chain of supply. CEOC International underlines the fact that the situation can be much more complex when considering industrial plants involving several «manufacturers» and several directives.
- The obligations and traceability requirements do not solve the problem that the economic operators

are subject to European jurisdiction only when they have their seat in the EU.

- CEOC International's members fear that there could be an overlap between the activities of the designating authorities and the accrediting authorities. If these authorities are not on the same wavelength at national level this could lead to additional burdens and contradictory requirements. CEOC International supports the promotion of accreditation in the mandatory field and assumes that all measures will be taken in order to guarantee that accreditation bodies and their auditors apply a competent and harmonised approach when it comes to assessing notified bodies.

Several other technical issues were discussed, but the points have been adequately clarified in the latest document prepared by the Commission.

Conclusions

CEOC International greatly appreciated the openness of the Commission representatives during the meeting. It became clear that there is added value for both sides to co-operate on clarification of the addressed issues. It is left to public authorities at national and EU level to define the general policies. The devil, however, is often in the details. Here, CEOC International comes in with its specific knowledge about implementation of the review of the New Approach. CEOC International is able to classify priorities in the field of conformity assessment as well as to bring a down-to-earth approach to the work of the Commission in that field. A clear asset, exchange of information/ points of view with the Commission will thus remain vitally important in the future.

¹ This revision has been done and distributed to the Member States on 23 February 2006.



Review of the New Approach

Dr. Hugo Eberhardt, TÜV Austria – CEOC International President

Status of the documents on the Review of the New Approach: EUROLAB commenting

In December 2005, the first version of a consolidated paper from the single elements was released. (CERTIF/16). This paper will be the basis for the final proposal of changes to the Review of the New Approach. The proposed amendments of the Modules and the newly formulated essential requirements in particular will have an impact on the notified bodies.

The developments concerning the review of the New Approach are mainly followed in the EUROLAB/CEOC Joint Technical Committee on Product Testing and Certification (JTC PTC) with their chairman Guy Jacques, who is very active in this issue. So far three rounds of comments have been submitted to the European Commission on the different SOGS papers.

The expected time-frame foresees the presentation of the consolidated SOGS (Senior Officials Group for Standardisation and Conformity Assessment – Commission and MS representatives) Policy paper to the Commission in the first half of 2006. A final paper by the Commission will be forwarded to the European Council in the middle of 2006, possibly for approval by the European Council and the Parliament in 2007/2008.

European Conference on the 20th Anniversary of the New Approach, 30 November 2005

About 500 participants attended the Conference "NEW APPROACH: A case of Better Regulation at the service of European Competitiveness" on 30

November 2005 in Brussels. The event was organised by DG Enterprise. EUROLAB was represented by Marc Mortureux who had been asked to give a presentation on the views and experiences from third parties - a clear sign of visibility of EUROLAB to the European Commission. Also Guy Jacques, chairman of the JTC PTC, attended as well as a number of members also participating in the JTC PTC.

There was general consensus about the success of the New Approach (NA), but also about the need to revise some aspects. All parties agreed on the need for improvement of market surveillance and a harmonised and efficient notification process. Concerning CE marking, however, views were controversial.

In an interesting speech Paolo Cecchini - now retired former member of the European Commission - recalled and vividly illustrated the beginning of the New Approach consultations. He came back to the difficult discussions between the member states in 1984 including secret meetings outside Brussels and walks in the park with the individual parties to finally adopt the German model of separating the legislation from the technical requirements in the form of standards. The Director-Quality of LEGO System, Aage S. Hillersborg, presented an industry view and issues for improvement. He advocated to keep CE marking as it is now. Moreover, he stressed that manufacturer self-assessment needs to be followed up by efficient market surveillance to create consumer trust and to allow for a level playing field for industry. The point of view of the consumers was presented by Gottlobe Fabisch (ANEC Secretary-General), advocating the removal of CE marking on

the product while recommending a single European conformity mark based on third party assessment.

The role and experience of the third parties was addressed by Marc Mortureux, President of EUROLAB. He stressed the success of the NA from the third parties' point of view (higher level of consumer protection achieved) and pointed to the big number of non-EU countries having adopted its principles. He emphasised the importance of the role of independent third parties as «competence providers» acting as intersections between industry, the standardisation bodies and public authorities. Issues that will need to be improved are well-defined roles of authorities, notified bodies and accreditation bodies, a real and efficient control of the notified bodies, public appointment of the accreditation bodies and market control. He stressed the importance of private marks to support the consumers in their decisions. Concerning globalisation, the NA regulation must also strictly be applied and controlled for products from outside of Europe.

In his closing speech Günter Verheugen (Vice-President of the European Commission) called the revision of the NA the flagship of EC's better regulation activities. He referred to the aim not to create a new layer of requirements, but to make the system work better and to extend the NA to as many sectors as possible (e.g. cosmetics, emissions, services) in full compliance with the better regulation principle.

<http://www.eurolab.org>



The new Machinery Directive helps reduce bureaucracy in Europe

Dr. Andreas Schwab MEP

Through the revision of the Machinery Directive, the European Parliament has contributed decisively to reducing bureaucracy in Europe. As rapporteur of the EVP-ED group, I am very satisfied with the result of the December 2005 vote.

The decisions of Commissioner Verheugen to modify the Tractor Directive into a framework directive with no technical details and to integrate the security aspects linked to agricultural machinery (not yet covered by the directive) in the Tractor Directive instead of burdening the machinery directive, are positive signals to manufacturers as well as to test engineers. A double appliance of two parallel directives would only lead to legal uncertainty and over-regulation. That cannot be in the interest of the parties involved.

However, I would have liked more consideration to have been given to small and medium enterprises (SMEs), for instance by granting exemptions for harmless types of machinery such as wristwatches. As an absolute majority is required during the second reading in the European Parliament for the adoption of a directive, all colleagues had to be mobilised. I did not want to block a compromise on this tricky dossier,

especially since low voltage and control machinery as well as electric motors had already been excluded from the scope of the directive.

However, the new wording adopted by the Council for the CE marking seems to be more appropriate for technical inspection. This wording is not coherent or clear yet. I am therefore grateful that the European Commission has taken up my request and announced within its work programme for 2006 the planning of a new framework directive for CE marking. In this area, as well as in that of market surveillance, things need to be clarified comprehensively sector by sector.

Generally speaking, it must be possible to strive for better regulation in Europe. The guiding criteria should be the principles of subsidiarity and proportionality. Cost efficiency and transparency, coupled with a thorough assessment of consequences, are other criteria that must be fulfilled before a proposal comes into force.

The most important criterion, however, is the reduction of complexity for future regulations and procedures of

the EU. The simplification of legal procedures has to remain one of the central tasks of the European Union during the coming years. Having said that, the European Parliament will carry forward the legislative procedures in the EU.

Dr. Andreas Schwab is deputy co-ordinator of the EVP-EP group in the Internal Market and Consumer Protection Committee and was the rapporteur of the EVP-ED group on the Machinery Directive.



APAVE



APAVE is one of the key players in France to meet companies' safety, quality and performance needs in all business sectors: industries, services or public authorities (local administrations). APAVE covers a wide spectrum of areas: electricity, building/civil engineering, pressure, metallurgy, welding, lifting gear, thermal, agrobusiness, fire, environment, laboratories/test centres, training and metrology.

APAVE is the French leader on the inspection and technical assistance market and is expanding its activities abroad: Europe, Africa, Asia.

APAVE obtained numerous accreditations and certifications; it is the notified body for many European Directives (PED...).

APAVE provides its 200 000 customers in France and worldwide with a wide range of assignments through a network organised around local offices:

- Inspection: to help companies to meet regulations requirements applying to their equipments and facilities;
- Building technical inspection: to help project managers of any «construction project» and civil engineering to insure safety of their buildings and people, at every step of the project;
- Consultancy and technical assistance: to work out customized solutions adapted to performance and risk control needs of the companies;
- Measurements and testing: to enhance the technical and environmental performances of process and products throughout a laboratories/test centres network;
- Training: to qualify teams and optimise their know-how.

Each year, APAVE recruits 500 to 600 collaborators on average and has now 8 000 employees, experts and technicians, 130 agencies in France, 8 laboratories and test centres, 102 training spaces and 30 subsidiaries or partners abroad.

Further information on our assignments, services, trainings, technical days, establishments, publications and recruiting policy, is available on our website www.apave.com.

For more information
please visit: www.apave.com

VdTÜV



The Association of Technical Inspection Agencies (VdTÜV) represents the interests of the Technical Inspection Agencies (TÜV) as well as of some renowned industrial concerns in Berlin and Brussels.

The services of VdTÜV consist of:

- Cooperating with national and international committees, specialist committees at national level and Federal States (Bundesländer) level, as well as notified bodies at European level;
- Supervising working parties for the exchange of experience;
- Organising events (e.g. TÜV forums or technical expert days) in order to maintain contact with partners from the world of politics and industry and the federations;
- Providing services, e.g. TÜV data sheets or supervision of technical offices;
- Doing work in the areas of government and public relations;
- Publishing information materials.

VdTÜV is committed to:

- Safety and the protection of the environment thanks to inspections by third party, i.e. - independent and neutral;
- Technical advances and conditions in which innovation and top-class technology can be realised;
- Sensible, socially acceptable and economic solutions in dealing with dangers from technology;
- Fair competitive conditions for inspection agencies on the European and international markets;
- Relieving the State of responsibility in the area of technical inspection.

VdTÜV advises parliaments and ministries, as well as public and private organisations at national and international level. It publishes position papers on EU and national legislative proposals, technical rules and standards. Through the exchange of experiences which it organises, VdTÜV works with the TÜVs as well as other inspection organisations towards unitary application and updating of technical rules and guidelines and for the purpose of maintenance of the high level of security in Germany and Europe. VdTÜV participates in the national organisations of accreditation and is an important contact point for all matters of technical safety and environmental protection.

For more information
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