

## SME SAFETY POSITION ON THE RENEWAL OF EU TYPE CERTIFICATES FOR PPE

05/2015

The proposal for Regulation for PPE as issued by the European Commission in March 2014 introduces a new limit to the validity of EU type certificates. The reality is that, for most SMEs in Europe, certificates are already valid no more than 5 years, even if the new Regulation is not yet adopted. In fact, the European Coordination of Notified Bodies already agreed and (unilaterally) decided that certificates can only last 5 years<sup>1</sup>.

Now, the powerful lobby of Notified Bodies convinced the European Commission that it is necessary to impose a limit of validity of certificates. The argument used is that, without such limit, there are many allegedly unsafe products on the market since they might be certified against old harmonised standards that have been modified in the meantime<sup>2</sup>.

However, while the system is in place for decades (the PPE directive is from 1989), there is no evidence of unsafe PPE on the market for compliance with out-dated standards. The untold argument is that Notified Bodies want the Regulation to give them more work, i.e. more money from companies.

SMEs are seriously concerned that the legal obligation to renew their EU type certificates may seriously affect them by imposing excessive and unnecessary costs.

A so-called *simplified procedure* for re-certification is under discussion by the European Institutions. SME Safety is not satisfied with the text so far distributed.

### What is the reality of SMEs and EU type certificates?

#### CERTIFICATION IS EXPENSIVE AND TAKES TIME

- The cost of certification and testing for each product can be as high as some 100.000 € depending on the type of product and the technical requirements of harmonised standards.
- For SMEs the cost of testing and certification has a much higher impact than for larger companies, for which this cost can be spread on a much higher volume of sales.
- For specific products the availability of testing machines at Notified Bodies in several Member States is quite limited. The need to regularly repeat tests is likely to create queues of products waiting to be certified, whereby some companies (especially SMEs) may not receive their certificates in time and, thus, be unable to sell their products and remain on the market.

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<sup>1</sup> See Position paper of the Horizontal Committee of Notified Bodies in the field of PPE: Consequences of the revision of harmonised standards.

[http://www.nbcoordinationppe.eu/uploads/tx\\_sbdownloader/Revision\\_of\\_standards.pdf](http://www.nbcoordinationppe.eu/uploads/tx_sbdownloader/Revision_of_standards.pdf)

<sup>2</sup> See the impact assessment of the EC accompanying the Proposal for a REGULATION ON PPE. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2014:0118:FIN:EN:PDF>

### NOTIFIED BODIES ARE THE POLICE; SMES HAVE TO OBEY

- For many types of PPE, there are only few Notified Bodies capable of testing and certifying those products. In most MSs there is only one NB and in some there is none. SMEs are in a very weak position when discussing with NBs, because if an SME is unhappy about the decisions of its NB, it cannot just go to another NB.
- If the NB deems necessary to repeat a test, the SME has *de facto* no other possibility than accept and pay accordingly. Similarly, NBs charge disproportionate amounts for renewing certificates even when they do not need to perform any test.
- For category III products, typically the same NB that issues the EU type certificate also audits the company's quality assurance of the production process every 12 months. In these cases, clearly the NB has all the necessary information about the product and, yet, it is imposing 5 years renewal of certificates and charging disproportionate amounts for it.
- Discretionary decisions of the NBs as to the need for repetition of tests and as to the cost for renewal of certificates create unfair circumstances for SMEs, which face very different conditions whether they are in one country or in another.

### The proposal of SME Safety

**For the renewal of EU type certificates, Notified Bodies can request the repetition of tests on the products only if:**

- **there have been changes in the design of the products, or**
- **the harmonised standards have been substantially modified with an impact on the way EHSRs are met,**
- **the manufacturer has changed the technical solutions applied for complying with the EHSRs.**

**Additionally, Notified Bodies shall take into account the yearly audits for quality assurance of the production process for category III products. In case of a positive audit during the previous 12 months, if no repetition of tests is necessary, the renewal of the EU type certificate shall happen at no cost for the manufacturers.**

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### About SME Safety

SME Safety is the European association of Small and Medium sized Enterprises (SMEs) that manufacture safety products. SME Safety is an interest group active in the EU policy and standardization debate and promotes the interests of European SMEs in the safety sector.

SME Safety is a member of Small Business Standards (SBS), the European Association for SMEs in Standardisation recognized by Regulation 1025/2012. More information: [www.sme-safety.eu](http://www.sme-safety.eu).

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