European Materials Handling Federation

FEM position on the Provisional Options for an eCompliance system

Brussels, 27 November 2014

FEM, the European Materials Handling Federation, would like to participate in the Commission's second request for comments on the four proposed provisional options on the eCompliance system. FEM appreciates the Commission's comprehensive analysis of the stakeholder contributions received, on the basis of which the four options have been drafted. Although we take note of the Commission's efforts to respond to the concerns raised in the first consultation (confidentiality issues, legal validity etc.), not enough clarification is provided on how these issues would be addressed in practice.

FEM would like to build on the arguments presented in its initial position on eCompliance on 2 September (attached), by answering the questions raised in the provisional options document, as follows:

1) **Which of the above provisional options would you think is the best solution and for what reasons?**

FEM is supportive of option 1 (voluntary centralised eCompliance system), provided that it facilitates the procedures to provide documentary evidence of the compliance of equipment, to the market surveillance authorities, and that it genuinely results in more effective market surveillance controls, compared to the current system. The management and coordination of this system by the European Commission should in principle allow a more uniform and coherent structure of the electronic depository of information. We would prefer the voluntary option because manufacturers need to have the flexibility to opt out of this system and continue providing the technical documentation upon reasoned request. FEM welcomes the Commission's commitment to guarantee that confidentiality is ensured under this option, but no details are given as to how exactly confidentiality leaks and misuse of product compliance documentation will be prevented. It is important that the eCompliance system clearly indicates the firm borderline between the market surveillance authorities' possibility to have preliminary and preventive checks upon reasoned requst, and the responsibility of manufacturers to ensure conformity of their machines with the applicable legal requirements, solely when they are placed on the market.

FEM would also like to enquire if the "information regarding the conformity of a product", as stated in the document, comprises the usual documents prepared by the manufacturer, i.e. the Declaration of Conformity, the technical files, approval certificates etc. We believe that uploading technical files may be problematic and entail significant costs because of the need to continously update this documentation and register each modification in the system. Further clarification on the type of documentation the manufacturers and Notified Bodies would upload to demonstrate the conformity of a product is therefore necessary.

2) **Which of the above option(s) would you reject and for what reasons?**

FEM rejects option 2 (obligatory centralised eCompliance system) because of its mandatory character. Option 3 (decentralised eCompliance system) is also not supported because it would

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generate additional administrative burden on the manufacturers to keep it up-to-date and accurate. There is a risk that a decentralised depository of information may lead to unwanted errors which would then prevent the system from facilitating and improving market surveillance procedures and from running in an effective manner.

FEM is also arguing against option 4 (voluntary standalone elabelling) which may require substantial investments on companies to equip their products with displays, tags or other electronic identifiers, and in some cases this could lead to a complete redesign of their products to incorporate these new features.

In general, options 2, 3 and 4 raise concerns about the protection of internal data, including internal know-how and confidential documents.

3) **What are the current "costs" (e.g. in terms of percentage of total manufacturing cost, man hours etc.) of providing authorities with the paper documentation you are required to? Please explain the way you calculate the costs; and 4) For the above options, can you give a (very) rough estimation of the "costs" (e.g. in terms of percentage of total manufacturing cost, man hours etc.) of providing authorities with electronic documentation you are required to? Please explain the way you reach this estimation.**

An exact estimation would be difficult, if specific examples of the required paper documentation are not provided. In general terms, on the basis of a comparison between a traditional paper–based system and an electronic one, our estimated savings would increase from 50% to 85% of the time spent on providing the requested documentation.

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About FEM

Created in 1953, the European Materials Handling Federation (www.fem-eur.com) represents, defends and promotes European manufacturers of materials handling, lifting and storage equipment. FEM speaks for 15 members representing some 1,000 companies (mostly SMEs) employing 160,000 people directly and with an annual turnover of €45 billion (2013).

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