

TIC Council position paper on the revision of the Blue Guide

Introduction

The TIC Council, the global association that is representing over 90 international independent third-party testing, inspection, certification and verification organizations, welcomes the forthcoming update of the “Blue Guide”.

In our view, the update should be limited to the rules that changed according to the new Regulation on market surveillance and compliance of products (1020/2019) and to the upcoming changes to horizontal aspects of the product legislation, as the Blue Guide’s current version has proven an invaluable interpretation tool for the EU’s product rules.

The update should also ensure that all references to standards name the most recent ones. For example, the current version of the Blue Guide refers to EN ISO 9001:2008 instead of the currently applicable EN ISO 9001:2015.

Alignment with recent guidance and legislation

We recommend aligning the Blue Guide with the EU Cybersecurity Act, the guidance of the European Commission for UK’s withdrawal and sector-specific guidance such as for the Pressure Equipment Directive (PED) as currently section 5.1.5 of the Blue Guide is not consistent with the Guideline D-10 of the PED.

In addition, it would be useful to indicate the exemptions in the Blue Guide to ensure clarity.

Product sampling and controls by market surveillance activities (article 14 Regulation 1020/2019)

We recommend including explanations about the Regulation’s 1020/2019 criteria for the sampling of products in the framework of market surveillance activities. These could include a minimum level of sampling to be used as benchmark on the product categories for which no implementing acts exist. Such criteria would serve to a harmonized implementation and application of the Regulation.

Furthermore, it should be recommended that market surveillance authorities presume that products tested by independent and accredited conformity assessment bodies are compliant with all EU legislation. Thereby, market surveillance authorities would be able to focus their resources on product categories with low compliance level. They could also focus their efforts on products placed on the market only after a self-declaration of conformity by the manufacturer, as these have not already been tested by an independent conformity assessment body.

Joint activities to promote compliance (article 9 Regulation 1020/2019)

We recommend including information on the organization of joint activities among market surveillance authorities and organizations representing users and economic operators that would promote compliance.

The information should suggest ways to achieve objectivity, independence and impartiality of the parties. For example, it should address how to treat economic operators not represented within their relevant organization.

Union Testing Facilities (article 21 Regulation 1020/2019)

We recommend that the Blue Guide explains in detail the eligibility criteria for Union Testing Facilities, as well as their financial resources. Overall, we consider that a clear and practical interpretation of article 21 of Regulation 1020/2019 would enable the TIC sector to act as a trusted ally to the work of Union Testing Facilities.

Product Liability Directive

We suggest revising and expanding section 1.4 of the Blue Guide according to the ongoing work on the interpretation of the Consumer Product Liability Directive (85/374/EEC) in light of new technologies.

Moreover, we consider that the Blue Guide should include more details on the liability of manufacturers after a product has been refurbished or repaired. In particular, it should be clarified what are the possibilities of consumers to inform manufacturers about non-conformity after a repair or refurbishment.