

Free Movement of Goods in the European Union

*Internal Market and its International
Dimension*



Outline

Introduction

Historical Background

Old Approach / New Approach

The New Legislative Framework

Other relevant legislation

Current and future Commission activities

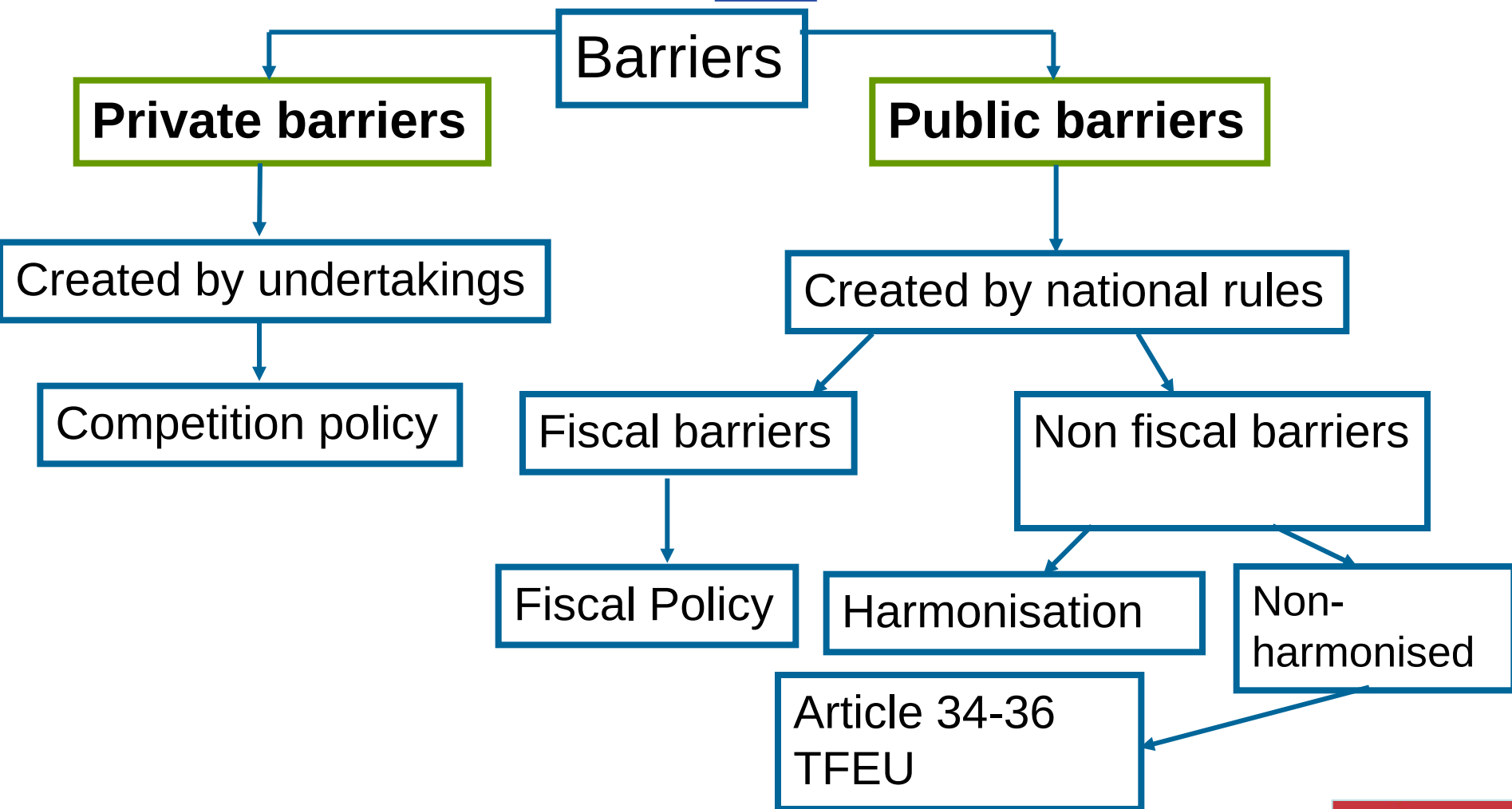


Free movement of goods

Cornerstone of the Internal Market

*Ensure products can move freely between
Member States.*

*Eliminate barriers to intra-EU movement of
goods*



Methods to Eliminate Barriers to Trade in Goods

Non-harmonised sectors

*Different national rules
continue to exist*

*Apply Arts 34-36 TFEU
(Mutual recognition)*

*Notification of draft
national legislation –
Directive 98/34/EC*

Harmonised sectors

Article 114 TFEU

*Common requirements for
the entire EU*

*approximately 600
directives/regulations*

*cover approximately 80%
of goods*

Non-harmonised sectors

*Mutual recognition developed in ECJ
jurisprudence Articles 34-36 TFEU*

Cassis de Dijon judgement (case 120/78)

*Ensuring free movement of non-harmonised
goods within the EU*

Harmonised sectors - “Old Approach”

Detailed technical specifications

Marketing authorisations, prior approvals

e.g.: cars, chemicals, pharmaceuticals, food

*Frequent amendments of technical requirements
needed*

Lack of flexibility

Lengthy adoption process in Council

Harmonised sectors - “New Approach”

Essential Requirements in directives

- technology neutral

References in OJ to Harmonised Standards

- developed by CEN, CENELEC on basis of Commission mandates
- voluntary character

Presumption of Conformity

New Approach

*Standardised conformity assessment procedures
(8 basic “modules”)*

- SDoc
- third party certification
- depends on risk analysis
- use of Notified Bodies

CE Marking

Examples

- electrical products, machinery, medical devices, lifts, toys, fireworks...

2008 “Goods package” - a horizontal review

Harmonised area - New Legislative Framework

- Regulation 765 / 2008 - requirements for accreditation and market surveillance relating to the marketing of products
- Decision 768 / 2008 / EC - common framework for the marketing of products

Non-harmonised area

- Regulation 764 / 2008 / EC

New Legislative Framework

Regulation 765/2008 – accreditation & market surveillance

(OJ L218/30 of 13/08/2008)

Decision 768/2008 - common framework for the marketing of products

(OJ L218/82 of 13/08/2008)



New Legislative Framework

REGULATION 765/2008

Accreditation

Market surveillance

- **internal**
- **imported products**

CE *general principles*

Financing elements

Applicable from 1 Jan 2010

Lex Specialis

sectorals/GPSD

DECISION 768/2008

Definitions / obligations

*Notification (criteria /
process / accreditation)*

*Conformity assessment
procedures*

*Safeguard mechanisms (&
market surveillance)*

CE *marking*

Basis for future legislation



Regulation & Decision

REGULATION 765/2008

*Covers elements not
included in sectoral
legislation*

*Complementary to sectoral
legislation*

*Applicable from 1 January
2010*

*Rights and obligations for
Member States and
individuals*

DECISION 768/2008

*Covers elements already
included in legislation*

Sui Generis Decision

- **No direct effects for
Member States or
individuals**

*Better Regulation tool:
model Articles*

- **“toolbox”**



Political trust

Technical trust

Technical trust

EA - Accreditation

National
authorities
Country A

National
authorities
Country B

Laboratories & certifiers

CE marking

Conformity assessment procedures

Manufacturers

Market – Products – Consumers/users

Market Surveillance & control of third country products



European Commission
Enterprise and Industry

EU-Serbia screening exercise
Brussels, 17-20 June 2014



DG Enterprise Homepage

- http://ec.europa.eu/enterprise/policies/single-market-goods/index_en.htm

Blue Guide

- <http://ec.europa.eu/enterprise/policies/single-market-goods/documents/blue-guide/>

CE Marking

- <http://ec.europa.eu/enterprise/policies/single-market-goods/cemarking/>