

# **UK Review of the balance of competences**

## **I) Internal Market: Free Movement of Goods**

### **1. Customs Issues**

#### **1.1 Overview of EU Customs Policy**

- Commission Communication - A simple and paperless environment for Customs and Trade(2003)  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0452:FIN:EN:PDF>
- Commission Communication 'Strategy for the evolution of the Customs Union (2008)  
[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/com\(2008\)169en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/com(2008)169en.pdf)
- Report on Progress on the Strategy for the evolution of the Customs Union (2011)  
[http://ec.europa.eu/taxation\\_customs/resources/documents/common/publications/com\\_reports/customs/com\(2011\)922\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/common/publications/com_reports/customs/com(2011)922_en.pdf)
- Commission Communication on the State of the Customs Union (2012)  
[http://ec.europa.eu/taxation\\_customs/resources/documents/common/publications/com\\_reports/customs/com\(2012\)791\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/common/publications/com_reports/customs/com(2012)791_en.pdf)

#### **1.2 Customs co-operation programmes**

##### Customs 2013

- Decision No 624/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing an action programme for customs in the Community  
[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l\\_154/l\\_15420070614en00250031.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_154/l_15420070614en00250031.pdf)

##### Customs programme for 2014-2020

- Proposal for a decision of the European Parliament and of the Council establishing an action programme for customs in the Community.  
[http://ec.europa.eu/taxation\\_customs/resources/documents/com\\_2012\\_464\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/com_2012_464_en.pdf)

Mid Term Evaluation Customs 2013

[http://ec.europa.eu/taxation\\_customs/resources/documents/common/publications/studies/customs2013\\_mid\\_term\\_report\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/common/publications/studies/customs2013_mid_term_report_en.pdf)

Impact assessment Customs programme for 2014-2020

[http://ec.europa.eu/taxation\\_customs/resources/documents/sec\\_2011\\_1317\\_part1\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/sec_2011_1317_part1_en.pdf)

### **1.3 General Customs legislation**

The Community Customs Code - Current legal provisions

- Regulation (EEC) No 2913/92 of the European Parliament and of the Council establishing the Community Customs Code and Implementing Provisions (Commission Regulation (EEC) N° 2454/93)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1992R2913:20070101:EN:PDF>

Proposal for a Union Customs Code (UCC)

- Proposal for a Regulation of the European Parliament and of the Council laying down the Union Customs Code (2012)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0064:FIN:EN:PDF>

Impact assessments

- Commission Staff Working Document - Annex to the Proposal for a regulation of the European Parliament and of the Council laying down the community customs code and to the Proposal for a decision of the European Parliament and of the Council implementing a paperless environment for customs and trade – Impact Assessment (2005)

[http://www.cc.cec/sg\\_vista/cgi-bin/repository/getdoc/COMM\\_PDF\\_SEC\\_2005\\_1543\\_1\\_EN\\_DOCUMENTDETRAVAIL.pdf](http://www.cc.cec/sg_vista/cgi-bin/repository/getdoc/COMM_PDF_SEC_2005_1543_1_EN_DOCUMENTDETRAVAIL.pdf) & [http://www.cc.cec/sg\\_vista/cgi-bin/repository/getdoc/COMM\\_PDF\\_SEC\\_2005\\_1543\\_1\\_EN\\_DOCUMENTDETRAVAIL2.pdf](http://www.cc.cec/sg_vista/cgi-bin/repository/getdoc/COMM_PDF_SEC_2005_1543_1_EN_DOCUMENTDETRAVAIL2.pdf)

### **1.4 Common Customs Tariff: basic legislation**

- Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1987R2658:20000101:EN:PDF>

- Council regulation 1186/2009 setting up a Community system of reliefs from customs duty  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:324:0023:0057:EN:PDF>
- Council regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:003:0001:0006:EN:PDF>
- Council Regulation (EU) N° 1344/2011 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial, agricultural and fishery products  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:349:0001:0089:EN:PDF>

### **1.5 Customs controls of cash entering or leaving the Community**

- Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005R1889:EN:HTML>
- Report from the Commission to the European Parliament and the Council on the application of Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community pursuant to article 10 of this Regulation (COM(2010)429)  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0429:FIN:EN:PDF>
- Recommendation 32 (R 32) on cash couriers adopted by the Financial Action Task Force (FATF)  
<http://www.fatf-gafi.org/topics/fatfrecommendations/documents/internationalstandardsoncombatingmoneylaunderingandthefinancingofterrorismproliferation-thefatfrecommendations.html>

### **1.6 Customs controls of counterfeit and piracy**

#### **1.6.1 Overview of the European anti-counterfeiting and anti-piracy plan**

- Report on the implementation of the EU Customs Action Plan to combat IPR infringements (2009-2012) of 23.10.2012  
[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/report\\_action\\_plan\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/report_action_plan_en.pdf)
- Council Resolution of 10 December 2012 on the EU Customs Action Plan to combat IPR infringements for the years 2013 to 2017

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:080:0001:0007:EN:PDF>

### **1.6.2 EU Regulations on IPR enforcement by customs**

- Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R1383:EN:HTML>

- COMMISSION REGULATION (EC) No 1891/2004 of 21 October 2004 laying down provisions for the implementation of Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:328:0016:0049:EN:PDF>

#### ***Recent amendments***

- COMMISSION REGULATION (EC) No 1172/2007 of 5 October 2007 amending Commission Regulation (EC) No 1891/2004 of 21 October 2004 laying down provisions for the implementation of Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:261:0012:0023:EN:PDF>

#### ***New proposal***

- Proposal for a Regulation of the European Parliament and of the Council concerning customs enforcement of intellectual property rights (COM(2011)285)

[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/customs\\_controls/co/unterfeit\\_piracy/legislation/com285\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/co/unterfeit_piracy/legislation/com285_en.pdf)

- Impact assessment accompanying the document “proposal for a regulation of the European Parliament and of the Council concerning customs enforcement of intellectual property rights) (SEC(2011)597)

[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/customs\\_controls/co/unterfeit\\_piracy/legislation/sec597\\_impact\\_assessment\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/co/unterfeit_piracy/legislation/sec597_impact_assessment_en.pdf)

Annexes to the Impact assessment (SEC(2011)597)

[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/customs\\_controls/co/unterfeit\\_piracy/legislation/sec597\\_impact\\_assessment\\_annex\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/co/unterfeit_piracy/legislation/sec597_impact_assessment_annex_en.pdf)

Summary of the impact assessment (SEC(2011)598)

[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/customs\\_controls/co/unterfeit\\_piracy/legislation/sec598\\_summary\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/co/unterfeit_piracy/legislation/sec598_summary_en.pdf)

## 1.7 Customs controls of drug precursors

### EU Regulations on drug precursors (since 2005):

- [Council Regulation \(EC\) No 111/2005](#) of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (managed by DG TAXUD)
- [Regulation \(EC\) No 273/2004](#) of the European Parliament and of the Council of 11 February 2004 on drug precursors (managed by [DG ENTERPRISE](#))
- [Commission Regulation \(EC\) No 1277/2005](#) of 27 July 2005 laying down implementing rules for Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and for Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors

### *Recent amendments*

- [Commission Regulation \(EC\) No 297/2009](#) of 8 April 2009 amending Regulation (EC) No 1277/2005 laying down implementing rules for Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and for Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors.
- [Commission Regulation \(EU\) No 225/2011](#) of 7 March 2011 amending Commission Regulation (EC) No 1277/2005 laying down implementing rules for Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and for Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors was published in the OJEU L 061/2011 of 8 March 2011

### *New proposal*

- Proposal for a Regulation of the European Parliament and of the Council ([COM/2012/521](#)) amending Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors
- Impact assessment (([SWD/2012/268](#))  
[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/customs\\_controls/drugs\\_precursors/legislation/swd\\_2012\\_268\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/drugs_precursors/legislation/swd_2012_268_en.pdf)
- Summary of the impact assessment ([SWD/2012/267](#))  
[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/customs\\_controls/drugs\\_precursors/legislation/swd\\_2012\\_267\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/drugs_precursors/legislation/swd_2012_267_en.pdf)

## **1.8 Customs controls of cultural goods**

- Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:039:0001:0007:EN:PDF>
- Commission Regulation (EEC) No 752/93 of 30 March 1993 laying down provisions for the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1993R0752:20040701:EN:PDF>

## **1.9 Rules of origin**

- Rules of origin  
[http://ec.europa.eu/taxation\\_customs/customs/customs\\_duties/rules\\_origin/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_duties/rules_origin/index_en.htm)
- Regional Convention on pan-Euro-Mediterranean preferential rules of origin  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:054:0004:0158:EN:PDF>

## **1.10 Risk Management**

- Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Customs Risk Management and Security of the Supply Chain:  
[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/customs\\_controls/risk\\_management/customs\\_eu/com\\_2012\\_793\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/risk_management/customs_eu/com_2012_793_en.pdf)

## **1.11 International**

### **1.11.1 Convention on Common Transit**

- Convention of 20 May 1987 on a common transit procedure for the movement of goods between the twenty-eight EU Member States and the four EFTA countries (Iceland, Norway, Liechtenstein and Switzerland) and Turkey  
[http://ec.europa.eu/taxation\\_customs/resources/documents/customs/procedural\\_aspects/transit/common\\_community/convention\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/procedural_aspects/transit/common_community/convention_en.pdf)

### **1.11.2 Customs Cooperation Agreements**

[http://ec.europa.eu/taxation\\_customs/customs/policy\\_issues/international\\_customs\\_agreements/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/policy_issues/international_customs_agreements/index_en.htm)

### **1.11.3 Customs security measures with Switzerland, Norway and Andorra**

- Council Decision of 25 June 2009 concerning the provisional application and conclusion of the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009D0556:EN:HTML>

- Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22009A0731\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22009A0731(01):EN:HTML)

- Decision of the EEA Joint Committee No 76/2009 of 30 June 2009 amending Protocol 10 on simplification of inspections and formalities in respect of carriage of goods and Protocol 37 containing the list provided for in Article 101

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:232:0040:01:EN:HTML>

- Protocol extending to customs security measures the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality of Andorra

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22011A0210\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22011A0210(01):EN:HTML)

## **2. Technical harmonisation requirements**

## 2.1 Horizontal legislation

- [Regulation \(EC\) No 764/2008 of the European Parliament and of the Council](#) of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC
- [Regulation \(EC\) No 765/2008 of the European Parliament and of the Council](#) of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93
- [Decision No 768/2008/EC of the European Parliament and of the Council](#) of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC
- [Directive 2001/95/EC of the European Parliament and of the Council](#) of 3 December 2001 on general product safety

## 2.2 Sectorial legislation

- **Chemicals**

### Chemical substances

[European Parliament and Council Regulation \(EC\) No 1907/2006](#) of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

For further information:

[http://ec.europa.eu/enterprise/sectors/chemicals/reach/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/chemicals/reach/index_en.htm)

### Explosives for civil uses

[Council Directive 93/15/EEC](#) (OJ L 121 of 15/5/93) of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses (amended by [Regulation \(EC\) 1882/2003 of the European Parliament and of the Council](#) (OJ L 284 of 31/10/2003) and [Regulation \(EC\) No 219/2009 of the European Parliament and of the Council](#) (OJ L 87 of 31/3/2009))

For further information:

[http://ec.europa.eu/enterprise/policies/european-standards/harmonised-standards/explosives-civil-uses/index\\_en.htm](http://ec.europa.eu/enterprise/policies/european-standards/harmonised-standards/explosives-civil-uses/index_en.htm)



## Pyrotechnic articles

Directive [2007/23/EC](#) of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles

For further information:

[http://ec.europa.eu/enterprise/policies/european-standards/harmonised-standards/pyrotechnic-articles/index\\_en.htm](http://ec.europa.eu/enterprise/policies/european-standards/harmonised-standards/pyrotechnic-articles/index_en.htm)

- **Cosmetics**

[Regulation \(EC\) No 1223/2009](#) (OJ L 342, 22.12.2009) of the European Parliament and of the Council of 30 November 2009 on cosmetic products

For further information:

[http://ec.europa.eu/consumers/sectors/cosmetics/regulatory-framework/index\\_en.htm](http://ec.europa.eu/consumers/sectors/cosmetics/regulatory-framework/index_en.htm)

- **Motor vehicles**

[Directive 2007/46/EC of the European Parliament and of the Council](#) of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive).

For further information:

[http://ec.europa.eu/enterprise/sectors/automotive/technical-harmonisation/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/automotive/technical-harmonisation/index_en.htm)

- **Textiles**

Regulation (EU) [1007/2011 of 27 September](#) on textile fiber names and related labeling and marking of fiber composition of textile products (Official Journal L272, 18.10.2012 p.1)

For further information:

[http://ec.europa.eu/enterprise/sectors/textiles/single-market/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/textiles/single-market/index_en.htm)

- **Construction**

[Regulation \(EU\) 305/2011](#) of the European Parliament and of the Council of 9 March 2011 (OJ L 88 of 4/4/2011) laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC

For further information:

[http://ec.europa.eu/enterprise/sectors/construction/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/construction/index_en.htm)

- **Consumers and workers protection**

Personal protective equipment

[Council Directive 89/686/EEC](#) (OJ L 399 of 30/12/89) of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (amended by [Council Directive 93/68/EEC](#) (OJ L 220 of 30/8/93), [Council Directive 93/95/EEC](#) (OJ L 276 of 9/11/93) and [Directive 96/58/EC of the European Parliament and of the Council](#) (OJ L 236 of 18/9/96))

For further information:

[http://ec.europa.eu/enterprise/sectors/mechanical/personal-protective-equipment/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/mechanical/personal-protective-equipment/index_en.htm)

Safety of toys

[Directive 2009/48/EC of the European Parliament and of the Council](#) (OJ L 170 of 30/6/2009) of 18 June 2009 on the safety of toys

For further information:

[http://ec.europa.eu/enterprise/sectors/toys/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/toys/index_en.htm)

- **Energy efficiency**

Eco-design and energy labeling

[Directive 2009/125/EC of the European Parliament and of the Council](#) of 21 October 2009 (OJ L 285/10 of 31/10/2009) of 21 October 2009 establishing a framework for the setting of eco-design requirements for energy-related products (recast)

For further information:

[http://ec.europa.eu/enterprise/policies/european-standards/harmonised-standards/ecodesign/index\\_en.htm](http://ec.europa.eu/enterprise/policies/european-standards/harmonised-standards/ecodesign/index_en.htm)

- **Electric and electronic engineering**

Electromagnetic compatibility

[Directive 2004/108/EC of the European Parliament and of the Council](#) (OJ L 390 of 31/12/2004) of 15 December 2004 on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing [Council Directive 89/336/EEC](#) (OJ L 139 of 23/5/89)

For further information:

[http://ec.europa.eu/enterprise/sectors/electrical/documents/emc/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/electrical/documents/emc/index_en.htm)

Equipment intended for use in potentially explosive atmospheres (ATEX)

[Directive 94/9/EC of the European Parliament and the Council](#) (OJ L 100 of 19/4/94) of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres (amended by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council](#) (OJ L 284 of 31/10/2003))

For further information:

[http://ec.europa.eu/enterprise/sectors/mechanical/atex/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/mechanical/atex/index_en.htm)

Low voltage

[Directive 2006/95/EC of the European Parliament and of the Council](#) (OJ L 374 of 27/12/2006) of 12 December 2006 on the harmonization of the laws of Member States relating to electrical equipment designed for use within certain voltage limits

For further information:

[http://ec.europa.eu/enterprise/sectors/electrical/documents/lvd/legislation/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/electrical/documents/lvd/legislation/index_en.htm)

Radio and telecommunications terminal equipment

[Directive 1999/5/EC of the European Parliament and of the Council](#) (OJ L 91 of 7/4/99) of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (amended by [Regulation \(EC\) No 1882/2003](#) (OJ L 284 of 31/10/2003))

For further information:

[http://ec.europa.eu/enterprise/sectors/rtte/documents/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/rtte/documents/index_en.htm)

- **Measuring technology**

Measuring instruments

[Directive 2004/22/EC of the European Parliament and of the Council](#) (OJ L 135 of 30/4/2004) of 31 March 2004 on measuring instruments (amended by [Council Directive 2006/96/EC](#) (OJ L 363 of 20/12/2006) and [Regulation \(EC\) No 1137/2008 of the European Parliament and of the Council](#) (OJ L 311 of 21/11/2008))

For further information:

[http://ec.europa.eu/enterprise/sectors/legal-metrology-and-prepack/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/legal-metrology-and-prepack/index_en.htm)

#### Non-automatic weighing instruments

[Council Directive 90/384/EEC](#) (OJ L 189 of 20/7/90) of 20 June 1990 on the harmonization of the laws of the Member States relating to non-automatic weighing instruments (amended by [Council Directive 93/68/EEC](#) (OJ L 220 of 30/8/93))

For further information:

[http://ec.europa.eu/enterprise/sectors/legal-metrology-and-prepack/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/legal-metrology-and-prepack/index_en.htm)

- **Mechanical engineering and means of transport**

#### Cableway installations

[Directive 2000/9/EC of the European Parliament and of the Council](#) (OJ L 106 of 3/5/2000) of 20 March 2000 relating to cableway installations designed to carry persons

For further information:

[http://ec.europa.eu/enterprise/sectors/mechanical/cableways/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/mechanical/cableways/index_en.htm)

#### Equipment intended for use in potentially explosive atmospheres (ATEX)

[Directive 94/9/EC of the European Parliament and the Council](#) (OJ L 100 of 19/4/94) of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres (amended by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council](#) (OJ L 284 of 31/10/2003))

For further information:

[http://ec.europa.eu/enterprise/sectors/mechanical/atex/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/mechanical/atex/index_en.htm)

#### Gas appliances

[Directive 2009/142/EC of the European Parliament and of the Council](#) (OJ L 330 of 16/12/2009) of 30 November 2009 relating to appliances burning gaseous fuels

[Council Directive 92/42/EEC](#) (OJ L 167 of 22/6/92) of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (amended by [Council Directive 93/68/EEC](#) (OJ L 220 of 30/8/93), [Directive 2004/8/EC of the European Parliament and of the Council](#) (OJ L 52 of 21/02/2004), [Directive 2008/28/EC of the European Parliament and of the Council](#) (OJ L 81 of 20/3/2008) and [Directive 2009/125/EC of the European Parliament and of the Council](#) (OJ L 285/10 of 31/10/2009))

For further information:

[http://ec.europa.eu/enterprise/sectors/pressure-and-gas/documents/gad/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/pressure-and-gas/documents/gad/index_en.htm)

#### Pressure equipment

[Directive 97/23/EC of the European Parliament and of the Council](#) (OJ L 181 of 9/7/1997) of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment (amended by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council](#) (OJ L 284 of 31/10/2003))

For further information:

[http://ec.europa.eu/enterprise/sectors/pressure-and-gas/documents/ped/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/pressure-and-gas/documents/ped/index_en.htm)

#### Simple pressure vessels

[Directive 2009/105/EC of the European Parliament and of the Council](#) (OJ L 264 of 8/10/2009) of 16 September 2009 relating to simple pressure vessels

For further information:

[http://ec.europa.eu/enterprise/sectors/pressure-and-gas/documents/spvd/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/pressure-and-gas/documents/spvd/index_en.htm)

#### Lifts

[European Parliament and Council Directive 95/16/EC](#) (OJ L 213 of 7/9/95) of 29 June 1995 on the approximation of the laws of the Member States relating to lifts (amended by [Regulation \(EC\) No 1882/2003 of the European parliament and of the Council](#) (OJ L 284 of 31/10/2003) and [Directive 2006/42/EC of the European Parliament and of the Council](#) (OJ L 157 of 9/6/2006))

For further information:

[http://ec.europa.eu/enterprise/sectors/mechanical/lifts/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/mechanical/lifts/index_en.htm)

### Machinery

[Directive 2006/42/EC of the European Parliament and of the Council](#) (OJ L 157 of 9/6/2006) of 17 May 2006 on machinery, and amending [European Parliament and Council Directive 95/16/EC](#) (recast) (OJ L 213 of 7/9/95)

For further information:

[http://ec.europa.eu/enterprise/sectors/mechanical/machinery/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/mechanical/machinery/index_en.htm)

### Recreational craft

[Directive 94/25/EC of the European Parliament and of the Council](#) (OJ L 164 of 30/6/94) of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft (amended by [Directive 2003/44/EC of the European Parliament and of the Council](#) (OJ L 214 of 26/8/2003), [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council](#) (OJ L 284 of 31/10/2003) and [Regulation \(EC\) No 1137/2008 of the European Parliament and of the Council](#) (OJ L 311 of 21/11/2008))

For further information:

[http://ec.europa.eu/enterprise/sectors/maritime/recreational-craft/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/maritime/recreational-craft/index_en.htm)

### Non-road mobile machinery

Directive 97/68/EC of the European Parliament and of the Council (OJ L 59 of 27/2/1998) of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (and amendments)

For further information:

[http://ec.europa.eu/enterprise/sectors/mechanical/documents/legislation/emissions-non-road/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/mechanical/documents/legislation/emissions-non-road/index_en.htm)

### Noise emissions

[Directive 2000/14/EC](#) (OJ L 162, 3.7.2000) of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors

For further information:

[http://ec.europa.eu/enterprise/sectors/mechanical/noise-outdoor-equipment/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/mechanical/noise-outdoor-equipment/index_en.htm)

- **Waste**

Directive 2011/65/EU (OJ L 174/88 of 08 June 2011) on the restriction of the use of certain hazardous substances in electrical and electronic equipment

For further information:

[http://ec.europa.eu/environment/waste/rohs\\_eee/index\\_en.htm](http://ec.europa.eu/environment/waste/rohs_eee/index_en.htm)

## **2.3 Market Surveillance**

### **2.3.1 Product Safety and Market Surveillance Package: Safer products and more fair play in the internal market**

- A communication outlining the various elements of the package ([COM\(2013\)74](#))
- A proposal for a Regulation on market surveillance of products ([COM\(2013\)75](#))
- A multi-annual plan for market surveillance of products ([COM\(2013\)76](#))
- A report on the implementation of Regulation (EC) No 765/2008 ([COM\(2013\)77](#))
- A proposal for a Regulation on consumer product safety ([COM\(2013\)78](#))
- A Commission staff working document on accreditation ([SWD\(2013\)35](#))
- A Commission staff working document on market surveillance ([SWD\(2013\)36](#))
- Impact assessment and annexes [SWD\(2013\)33](#) and [SWD\(2013\)33 Annexes](#)
- Executive summary of the impact assessment ([SWD\(COM\)34](#))

### **2.3.2 The organisation of market surveillance at national level**

[Regulation \(EC\) 765/2008](#) sets out the requirements for accreditation and market surveillance relating to the marketing of harmonised products.

For further information:

[http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/market-surveillance/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/market-surveillance/index_en.htm)

[Directive 2001/95/EC of the European Parliament and of the Council](#) of 3 December 2001 on general product safety sets out the requirements for market surveillance for consumer products

### 2.3.3 Information and co-operation at EU level

The following tools allow the pooling of information and cooperation at EU level:

Exchange of information - Rapid Information System (RAPEX): it was initially established under [Directive 2001/95/EC on General product safety \(GPSD\)](#) for consumer goods and its scope was subsequently extended by [Regulation \(EC\) 765/2008](#) to include all harmonized goods. Thus, since 1 January 2010 it has been used to notify serious risks presented by consumer and professional products.

Latest notifications:

<http://ec.europa.eu/consumers/safety/rapex/alerts/main/index.cfm?event=main.listNotifications&CFID=52703916&CFTOKEN=975d623ff5d1549a-AFED367C-E252-75DB-4B1B037DE3C196F0&jsessionid=090077dfb71f618557327e19723e5126762a>

General information support system: the European Commission has developed a system for information exchange (the ICSMS - information and communication system market surveillance).

Public section of the system: <https://www.icsms.org/icsms/App/index.jsp>

### 2.4 Accreditation

Accreditation is the last level of public control in the European conformity assessment system.

For further information:

[http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/accreditation/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/accreditation/index_en.htm)

### 2.5 Conformity Assessment

There are specific procedures to follow in order to demonstrate that the technical specifications satisfy the essential requirements. This process is known as [conformity assessment](#).

For further information:

[http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/conformity-assessment-notified-bodies/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/conformity-assessment-notified-bodies/index_en.htm)

3rd parties (so-called [conformity assessment bodies](#)) are involved in conformity assessment procedures for complex products and certify that the technical specifications meet the safety requirements.

For further information:

<http://ec.europa.eu/enterprise/newapproach/nando/>



## 2.6 CE Marking

The CE marking is required for many products. It states that the product is assessed before being placed on the market and meets EU safety, health and environmental protection requirements.

For further information:

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

## 2.7 Products that are not subject to secondary EU legislation

Free movement in non-harmonized sectors

The principle of free movement of goods is laid down by [Articles 34, 35 and 36 of the Treaty on the functioning of the European Union \(TFEU\)](#), preventing Member States from adopting and maintaining unjustified restrictions on intra-EU trade.

For further information:

[http://ec.europa.eu/enterprise/policies/single-market-goods/free-movement-non-harmonised-sectors/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/free-movement-non-harmonised-sectors/index_en.htm)

## 2.8 Prevention of technical barriers within the Internal Market

In parallel with the regulatory solutions for an optimal operation of the internal market, the Commission works actively on the prevention of new barriers to trade through the management of the [98/34 notification procedure](#).

For further information:

[http://ec.europa.eu/enterprise/policies/single-market-goods/prevention-technical-barriers-trade/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/prevention-technical-barriers-trade/index_en.htm)

## 2.9 Cultural goods

Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State (amended by Directives 96/100/EC and 2001/38/EC)

(A proposal for a Directive of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State (recast) is under discussion-COM(2013)311- 2013/0162(COD).)

For further information:

<http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/cultural-goods>

## **3. Intellectual Property Rights**

### **3.1 Copyright**

Communication from the Commission on content in the digital Single Market

[http://ec.europa.eu/internal\\_market/copyright/docs/copyright-infso/121218\\_communication-online-content\\_en.pdf](http://ec.europa.eu/internal_market/copyright/docs/copyright-infso/121218_communication-online-content_en.pdf)

Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market

[http://ec.europa.eu/internal\\_market/copyright/docs/management/com-2012-3722\\_en.pdf](http://ec.europa.eu/internal_market/copyright/docs/management/com-2012-3722_en.pdf)

Commission Staff Working Document

Impact Assessment

Proposal for a Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market

[http://ec.europa.eu/internal\\_market/copyright/docs/management/impact\\_assesment-com-2012-3722\\_en.pdf](http://ec.europa.eu/internal_market/copyright/docs/management/impact_assesment-com-2012-3722_en.pdf)

Green Paper on the Online Distribution of Audiovisual Works in the European Union: Opportunities and Challenges towards a Digital Single Market

[http://ec.europa.eu/internal\\_market/consultations/docs/2011/audiovisual/green\\_paper\\_COM2011\\_427\\_en.pdf](http://ec.europa.eu/internal_market/consultations/docs/2011/audiovisual/green_paper_COM2011_427_en.pdf)

Recommendations Resulting from the Mediation on Private Copying and Reprography Levies

[http://ec.europa.eu/internal\\_market/copyright/docs/levy\\_reform/130131\\_levies-vitorino-recommendations\\_en.pdf](http://ec.europa.eu/internal_market/copyright/docs/levy_reform/130131_levies-vitorino-recommendations_en.pdf)

Memorandum of Understanding

Key Principles on the Digitisation and Making Available of Out-of-Commerce Works

[http://ec.europa.eu/internal\\_market/copyright/docs/copyright-infso/20110920-mou\\_en.pdf](http://ec.europa.eu/internal_market/copyright/docs/copyright-infso/20110920-mou_en.pdf)

Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the Implementation and Effect of the Resale Right Directive (2001/84/EC)

[http://ec.europa.eu/internal\\_market/copyright/docs/resale/report\\_en.pdf](http://ec.europa.eu/internal_market/copyright/docs/resale/report_en.pdf)

### **3.2 Patent**

1. Regulation No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection

2. Council Regulation No 1260/2012 of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements

[http://ec.europa.eu/internal\\_market/indprop/patent/documents/index\\_en.htm](http://ec.europa.eu/internal_market/indprop/patent/documents/index_en.htm)

3. Regulation (EC) No 816/2006 of the European Parliament and of the Council of 17 May 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems

[http://ec.europa.eu/internal\\_market/indprop/medicines/index\\_en.htm](http://ec.europa.eu/internal_market/indprop/medicines/index_en.htm)

### **3.3 Supplementary protection certificates**

1. Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996R1610:EN:HTML>

2. Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (Codified version)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:152:0001:0010:en:PDF>

### **3.4 Biotechnological inventions**

Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998L0044:EN:NOT>

### **3.5 Trade Mark**

1. Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (Codified version)

[http://eur-lex.europa.eu/Result.do?T1=V3&T2=2008&T3=95&RechType=RECH\\_naturel&Submit=Search](http://eur-lex.europa.eu/Result.do?T1=V3&T2=2008&T3=95&RechType=RECH_naturel&Submit=Search)

2. Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version)

[http://eur-lex.europa.eu/Result.do?T1=V2&T2=2009&T3=207&RechType=RECH\\_naturel&Submit=Search](http://eur-lex.europa.eu/Result.do?T1=V2&T2=2009&T3=207&RechType=RECH_naturel&Submit=Search)

3. Study on the Overall Functioning of the European Trade Mark System

[http://ec.europa.eu/internal\\_market/indprop/docs/tm/20110308\\_allensbach-study\\_en.pdf](http://ec.europa.eu/internal_market/indprop/docs/tm/20110308_allensbach-study_en.pdf)

#### 4. Revision of the trade mark system

[http://ec.europa.eu/internal\\_market/indprop/tm/index\\_en.htm#maincontentSec3](http://ec.europa.eu/internal_market/indprop/tm/index_en.htm#maincontentSec3)

### 3.6 Design

1. Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998L0071:EN:NOT>

2. Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002R0006:EN:NOT>

### 3.7 Geographical indication protection for non-agricultural products – study and public hearing

[http://ec.europa.eu/internal\\_market/indprop/geo-indications/index\\_en.htm](http://ec.europa.eu/internal_market/indprop/geo-indications/index_en.htm)

### 3.8 Enforcement of Intellectual Property Rights

- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

[http://ec.europa.eu/internal\\_market/iprenforcement/directive/index\\_en.htm](http://ec.europa.eu/internal_market/iprenforcement/directive/index_en.htm)

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0048R\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0048R(01):EN:NOT)

- REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Application of Directive 2004/48/EC of the European Parliament and the Council of 29 April 2004 on the enforcement of intellectual property rights. Document COM(2010)779, 22.12.2010.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0779:EN:NOT>

- COMMISSION STAFF WORKING DOCUMENT Analysis of the application of Directive 2004/48/EC of the European Parliament and the Council of 29 April 2004 on the enforcement of intellectual property rights in the Member States. Accompanying document to COM(2010)779. Document SEC(2010)1589, 22.12.2010.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2010:1589:FIN:EN:PDF>

- REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the functioning of the Memorandum of Understanding on the Sale of Counterfeit Goods via the Internet, COM/2013/0209 final, 18.4.2003.

[http://ec.europa.eu/internal\\_market/iprenforcement/stakeholders/index\\_en.htm](http://ec.europa.eu/internal_market/iprenforcement/stakeholders/index_en.htm)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52013DC0209:EN:NOT>

- For further information:

[http://ec.europa.eu/internal\\_market/iprenforcement/index\\_en.htm](http://ec.europa.eu/internal_market/iprenforcement/index_en.htm)

### **3.9 Protection of trade secrets against misappropriation**

- Study on trade secrets and confidential business information in the internal market, published in July 2013

[http://ec.europa.eu/internal\\_market/iprenforcement/trade\\_secrets/index\\_en.htm#maincontentSec1](http://ec.europa.eu/internal_market/iprenforcement/trade_secrets/index_en.htm#maincontentSec1)

- Study on Trade Secrets and Parasitic Copying, published in January 2012

[http://ec.europa.eu/internal\\_market/iprenforcement/trade\\_secrets/index\\_en.htm#maincontentSec4](http://ec.europa.eu/internal_market/iprenforcement/trade_secrets/index_en.htm#maincontentSec4)

- For further information:

[http://ec.europa.eu/internal\\_market/iprenforcement/trade\\_secrets/index\\_en.htm](http://ec.europa.eu/internal_market/iprenforcement/trade_secrets/index_en.htm)