

Procedure for the provision of information in the field of technical regulations and of rules on information society services. Codification

2010/0095(COD) - 09/09/2015 - Final act

PURPOSE: codification of Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

LEGISLATIVE ACT: Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

CONTENT: this Directive **codifies 98/34/EC** of the European Parliament and of the Council has been substantially amended several times. The new Directive will **supersede the various acts incorporated in it**. It fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

Subject matter and scope: in order to promote the smooth functioning of the internal market, as much **transparency as possible should be ensured as regards national initiatives** for the establishment of technical regulations as regards any industrially manufactured product and any agricultural product, including fish products as well as Information Society services.

Under this Directive, the term ‘service’ means any Information Society service, that is to say, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services.

This Directive **shall not apply to:**

- radio broadcasting services;
- television broadcasting services covered by [Directive 2010/13/EU](#) of the European Parliament and of the Council;
- rules relating to matters which are covered by Union legislation in the field of telecommunications services, as covered by [Directive 2002/21/EC](#) of the European Parliament and of the Council;
- rules relating to matters which are covered by Union legislation in the field of financial services, as listed non-exhaustively in Annex II to this Directive.

Information regarding standards: Member States shall **communicate to the Commission**, all requests made to standards institutions to draw up technical specifications or a standard for specific products for the purpose of enacting a technical regulation for such products in the form of draft technical regulations, and shall state the grounds for their enactment.

Information regarding technical rules: the Directive stipulates that Member States **shall immediately communicate to the Commission** any draft technical regulation, except where it merely transposes the full text of an international or European standard, in which case information regarding the relevant standard shall suffice; they shall also let the Commission have a statement of the grounds which make the enactment of such a technical regulation necessary, where those grounds have not already been made clear in the draft.

The Commission shall **immediately notify the other Member States of the draft technical regulation**. The Commission and the Member States may make comments to the Member State which has forwarded a draft technical regulation; that Member State shall take such comments into account as far as possible in the subsequent preparation of the technical regulation.

Member States shall **postpone the adoption of a draft technical regulation for three months from the date of receipt by the Commission** of the communication of a draft technical regulation. Member States shall postpone for **four months** the adoption of a draft technical regulation in the form of a voluntary agreement and six months the adoption of any other draft technical regulation except for draft rules on services, if the Commission or another Member State delivers a **detailed opinion**, to the effect that the measure envisaged may create obstacles to the free movement of goods within the internal market.

Member States shall postpone the adoption of a draft technical regulation for **12 months** if the Commission finds that the draft technical regulation concerns a matter which is covered by a proposal for a directive, regulation or decision presented to the European Parliament and the Council.

With regard to **draft rules on services**, detailed opinions from the Commission or Member States may not affect any cultural policy measures, in particular in the audiovisual sphere, which Member States might adopt in accordance with the law of the Union, taking account of their linguistic diversity, their specific national and regional characteristics and their cultural heritage.

Committee: the Directive provides for the creation of a Standing Committee, the members of which are appointed by the Member States, with the task of cooperating in the efforts of the Commission to lessen any adverse effects on the free movement of goods.

Report: the Commission shall report every two years on the results of the application of this Directive.

ENTRY INTO FORCE: 7.10.2015.