Amending certain Regulations as regards the establishment of the Single Market emergency instrument

2022/0279(COD) - 24/07/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Andreas SCHWAB (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2019/1009 and (EU) No 305 /2011 as regards emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency.

The proposal aims to address two distinct but interrelated problems: obstacles to the free movement of goods, services and persons in times of crisis, and shortages of crisis-relevant goods and services. It is part of a package of texts establishing the single market instrument for emergencies, which Members propose to rename the Internal Market Emergency and Resilience Act (IMERA regulation).

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows.

The proposal aims to amend the harmonised rules established by a number of EU sectoral frameworks. These frameworks do not provide for the possibility for Member States to adopt crisis response measures by way of derogation from the harmonised rules.

The Commission proposes to amend the following sectoral frameworks:

- Regulation (EU) 2016/424 on cableway installations;

- Regulation (EU) 2016/425 on personal protective equipment;

- Regulation (EU) 2016/426 on gas appliances;

- Regulation (EU) 2019/1009 on fertilising products;

- Regulation (EU) 305/2011 on construction products.

Members believe that this proposal should also amend:

- Regulation (EU) 2023/988 laying down essential rules on the general safety of consumer products placed or made available on the market.

- Regulation (EU) 2023/1230 on machinery and equipment.

The proposal provides for the possibility for competent national authorities to exceptionally and temporarily authorise the placing on the market of products that have not been subject to the usual conformity assessment procedures required by the Union. Members specified that the authorisation granted for products on an exceptional and temporary basis should remain valid for six months after the

deactivation or expiration of the internal market emergency mode, where it does not affect the health and safety of consumers. After this period, products should only be made available on the market after having received authorisation under the normal authorisation procedure provided for under the applicable rules.

In addition, the national competent authorities should be able, in the context of an ongoing internal market emergency, to derogate from the obligation to carry out those conformity assessment procedures laid down in those Regulations, where the involvement of a notified body is mandatory and should be able to issue authorisations for those products, provided that they comply with all the applicable essential safety requirements and that the safety of consumers and end-users is fully assured. The principle of mutual recognition should apply to goods placed on the market under that derogation.

Products manufactured during the internal market emergency mode, where derogation from the conformity assessment procedures was authorised, should also be subject to the relevant obligations of traceability provided for in Regulation (EU) 2023/988.