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

2022/0280(COD) - 25/07/2023 - 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 directive of the European Parliament and of the Council amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2013/29/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU and 2014/68/EU as regards emergency procedures for conformity assessment, the adoption of common specifications and market surveillance on grounds of 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 13 sectoral directives. The EU sectoral frameworks that are considered in the context of the proposal are those that form part of the ‘harmonised products’. These sectoral frameworks establish harmonised rules for the design, manufacture, conformity assessment and placing on the market of the products concerned.

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 on general product safety.

Regarding the directives concerned by the proposal, Members deleted the possibility for the Commission to adopt, in exceptional and duly justified circumstances, by means of implementing acts, common specifications laying down mandatory technical specifications with which manufacturers will be required to comply, in particular in order to ensure interoperability between products or systems.