

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

2022/0279(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 409 votes to 60, with 157 abstentions, a legislative resolution 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 European Parliament adopted its position at first reading under the ordinary legislative procedure.

The proposed regulation is part of a package of texts establishing the [single market instrument for emergency situations](#). It amends 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.

It is foreseen 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.
- 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.

Experience from previous crises that have affected the internal market has shown that the procedures laid down in the sectorial Union legal acts are not designed to cater to the needs of crisis-response scenarios and do not offer the necessary regulatory flexibility. It is therefore appropriate to provide for a legal basis for such crisis-response procedures in order to complement the measures adopted under the Regulation establishing a single market instrument for emergency situations.

In order to overcome the potential effects of disruptions to the internal market in the event of a crisis and in order to ensure that during an internal market emergency mode crisis-relevant goods can be placed on the market swiftly, it is appropriate to provide for a requirement for the conformity assessment bodies to prioritise the conformity assessment applications of such goods over any pending applications concerning products which have not been designated as crisis-relevant goods. In the context of such prioritisation, the conformity assessment body should not be allowed to charge additional disproportionate costs to the manufacturer.

**Emergency procedures** should be laid down in Regulations (EU) No 305/2011, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/988 of the European Parliament and of the Council and Regulation (EU) 2023/1230. Those procedures should become applicable only following the activation of the internal market emergency mode and only when a specific good covered by those Regulations is designated as a crisis-relevant good and the Commission has adopted an implementing act activating those procedures.

As regards products falling within the scope of the amended Regulations that have been designated as crisis-relevant goods, in the context of an ongoing internal market emergency the national competent authorities should be able to derogate from the obligation to carry out the conformity assessment procedures laid down in the amended Regulations, where the involvement of a notified body is mandatory. In such cases those authorities should be able to issue authorisations for placing on the market, and, as applicable, for putting into service, those products, provided that conformity with all the applicable essential safety requirements is ensured.

With respect to Regulations (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2023/1230, the competent national authorities should be able to presume that products manufactured in accordance with European standards, relevant applicable national standards of the Member States, or relevant applicable international standards developed by a recognised international standardisation body, identified by the Commission as suitable to reach conformity and ensuring an equivalent level of protection to that offered by the harmonised standards, comply with the relevant and applicable essential requirements.

With respect to Regulation (EU) 2023/988, the competent national authorities should be able to presume that products manufactured in accordance with European or national standards of the Member States, or with relevant international standards developed by a recognised international standardisation body comply with the general safety requirement.

With respect to Regulations (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2023/1230, the Commission should have the possibility to adopt, by means of implementing acts, common specifications, on which the manufacturers should be able to rely in order to benefit from a presumption of conformity with the applicable essential requirements. Products placed on the market on the basis of the presumption of conformity established by demonstrating compliance with those common specifications should not be withdrawn automatically when the implementing act laying down such common specifications ceases to apply.