

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

2022/0279(COD) - 08/11/2024 - Final act

PURPOSE: to make targeted amendments to certain Regulations regarding emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency.

LEGISLATIVE ACT: Regulation (EU) 2024/2748 of the European Parliament and of the Council amending Regulations (EU) No 305/2011, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/988 and (EU) 2023/1230 as regards emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency.

CONTENT: the regulation is part of a package of texts establishing the [single market instrument for emergency situations](#) (SMEI - Single Market Emergency Instrument Omnibus). It amends the harmonised rules established by a number of EU sectoral frameworks in order to update them with regard to crisis situations.

Neither the reference provisions laid down by Decision No 768/2008/EC on a common framework for the marketing of products, nor the specific provisions laid down by the sectorial Union harmonisation legislation, provide for procedures designed to apply during a crisis. Therefore, this regulation introduces targeted adjustments to the amended Regulations, to allow a response to the impact of crises affecting products that have been designated as crisis-relevant goods in accordance with Regulation (EU) 2024/2747 establishing a framework of measures, related to an internal market emergency and to the resilience of the internal market and covered by the amended Regulations.

The regulation foresees 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.

The main elements of the amending regulation are the following:

- 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;
- the regulation provides for **emergency procedures** 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.

ENTRY INTO FORCE: 28.11.2024.

APPLICATION: from 29.05.2026.