

Common framework for the marketing of products

2007/0030(COD) - 14/02/2007 - Legislative proposal

PURPOSE: to establish a common framework for the marketing of products.

PROPOSED ACT: Decision of the European Parliament and of the Council.

BACKGROUND: the free movement of goods forms a central pillar of the single market. Community technical legislation ensuring the free circulation of products has contributed considerably to the completion and proper functioning of the EU's internal market. A number of secondary legislative initiatives support the free circulation of goods across the EU. They include the "new" approach Directives; legislation on setting out the basic rules for CE marking and the application of harmonised conformity assessment procedures; legislation on recognising the role of the European standardisation organisations; and the priority of European standards and legislation on product safety.

Experience has shown, however, that obstacles to the free movement of goods remain. The obstacles identified are:

- a distortion of competition due to differing practices in the "designation of conformity" by the national assessment bodies;
- an unequal treatment of "non-complying" or dangerous products on the market through the use of very different national market surveillance regulations, rules and means;
- a certain lack of trust in conformity marking; and
- a certain lack of coherence in the implementation and enforcement of existing EU legislation.

CONTENT: the purpose of this proposal, therefore, is to:

- set the general framework for future sectoral legislation;
- give guidance on how to use common elements; and
- ensure as much coherence, in future sectoral legislation, as is politically and technically feasible.

It is being presented alongside a proposal for a Regulation on accreditation and market surveillance. (See [COD/2007/0029](#)). The two proposals seek to complete the existing legislative framework. They also seek to bring coherence to existing sectoral instruments by examining how these horizontal instruments can be applied to all sectors regardless of whether they are "old" or "new" approach.

In summary, the proposed Regulation will set out:

- harmonised definitions;
- common obligations for economic operators;
- common criteria for the selection of conformity assessment bodies;

- common criteria for the national notifying authorities;
- rules for the notification process;
- common accreditation provisions;
- a single definition for CE marking;
- common rules of responsibility for those who affix the CE mark to their products;
- a proper information and market surveillance procedure as a prolongation of the GPSD system;
and
- harmonised provisions for the future safeguard mechanisms; to complement those for market surveillance.

In terms of the budgetary impact of the proposal, the Community's financial contribution is expected to be reduced in overall terms. On a final point, the proposal provides for the simplification of EU legislation and will lead to the repeal of Council Regulation 93/339/EEC.

For further details of the financial impact of the proposal refer to the financial statement.