

Basic information	
1993/0489(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Free movements of goods: exchange of information on national measures Repealed by 2007/0028(COD) Subject 2.10 Free movement of goods	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ECON Economic and Monetary Affairs, Industrial Policy	GLANTE Norbert (PSE)	27/07/1994
Council of the European Union	Council configuration	Meetings	Date
	Competitiveness (Internal Market, Industry, Research and Space)	1815	1994-12-08
	Competitiveness (Internal Market, Industry, Research and Space)	1886	1995-11-23
	Competitiveness (Internal Market, Industry, Research and Space)	1851	1995-06-06
	Social Affairs	1862	1995-06-29

Key events			
Date	Event	Reference	Summary
15/12/1993	Legislative proposal published	COM(1993)0670	Summary
17/01/1994	Committee referral announced in Parliament, 1st reading		
29/03/1994	Vote in committee, 1st reading		Summary
18/04/1994	Debate in Parliament		
15/06/1994	Modified legislative proposal published	COM(1994)0250	Summary
08/12/1994	Debate in Council		
29/06/1995	Council position published	07825/1/1995	Summary
14/07/1995	Committee referral announced in Parliament, 2nd reading		
09/10/1995	Vote in committee, 2nd reading		Summary
09/10/1995	Committee recommendation tabled for plenary, 2nd reading	A4-0241/1995	
25/10/1995	Debate in Parliament		Summary

23/11/1995	Act approved by Council, 2nd reading		Summary
13/12/1995	Final act signed		
13/12/1995	End of procedure in Parliament		
30/12/1995	Final act published in Official Journal		

Technical information	
Procedure reference	1993/0489(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealed by 2007/0028(COD)
Legal basis	EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/06834

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0189/1994 OJ C 128 09.05.1994, p. 0009	29/03/1994	
Text adopted by Parliament, 1st reading/single reading		T3-0237/1994 OJ C 128 09.05.1994, p. 0127-0139	20/04/1994	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0241/1995 OJ C 308 20.11.1995, p. 0004	09/10/1995	
Text adopted by Parliament, 2nd reading		T4-0510/1995 OJ C 308 20.11.1995, p. 0097-0111	26/10/1995	Summary
Council of the EU				
Document type		Reference	Date	Summary
Council position		07825/1/1995 OJ C 216 21.08.1995, p. 0041	29/06/1995	Summary
European Commission				
Document type		Reference	Date	Summary
Document attached to the procedure		COM(1993)0669 	15/12/1993	
Legislative proposal		COM(1993)0670 OJ C 018 21.01.1994, p. 0013	15/12/1993	Summary

Modified legislative proposal	COM(1994)0250 OJ C 200 22.07.1994, p. 0019	15/06/1994	Summary
Commission communication on Council's position	SEC(1995)1159 	10/07/1995	Summary
Other institutions and bodies			
Institution/body	Document type	Reference	Date
EESC	Economic and Social Committee: opinion, report	CES0556/1994 OJ C 195 18.07.1994, p. 0006	27/04/1994
			Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 1995/3052 OJ L 321 30.12.1995, p. 0001	Summary

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 23/11/1995

Following the European Parliament's approval of its common position, the Council adopted the decision establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community. The German and Dutch delegations voted against the text. Their explanations of voting were published in Press Release 7568/95 (Press 162) of 6 June 1995. The aim of the decision was to improve the implementation of Article 100B of the Treaty (mutual recognition of national measures in the absence of harmonisation at Community level), especially where greater transparency was concerned. It was designed to introduce a system of information exchange between the Member States and the Commission, leading in particular to the communication of cases of refusal to put on the market products which were legally manufactured or marketed in another Member State. The decision would enter into force on 1 January 1997.

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 20/04/1994 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr de la CAMARA MARTINEZ on the national measures derogating from the principle of the free movement of goods within the Community.

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 26/10/1995 - Text adopted by Parliament, 2nd reading

In adopting the report by Mr GLANTE (PSE, D), the European Parliament approved the Council's common position without amendments.

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 15/06/1994 - Modified legislative proposal

The amended proposal took over nine amendments adopted by the European Parliament, which aimed to: - underline the objectives of transparency resulting from the procedure on the exchange of information: the Member States and/or the Commission should have the possibility of reacting to the

national measures derogating from the principle of the free movement of goods within the Community; - highlight the need to coordinate similar procedures for notification or information laid down by various Community rules; - point out that companies, consumers and other parties involved should know who to contact within the Commission and the administrations of the Member States when a problem arose in relation to the free movement of goods; - stipulate that the proposal for a decision should not lead to the creation of excessive bureaucratic structures; - mention the need to promote transparency by providing all the parties involved with complete and updated information on the application of the procedure; - point out that the information forwarded under the procedure should be detailed, clear and easy to understand; - stipulate that the Member States should make all efforts to guarantee that a point of contact or network of points of contact was established to act as a point of reference for all inquiries to establish why other national regulations were not recognised; - introduce an article calling on the Commission to improve coordination on all issues connected to the application of the decision, complaints relating to specific obstacles to the free movement of goods and general problems of mutual recognition; - stipulate that the Commission report on the functioning of the decision should examine whether or not the notifications made were coordinated with the notifications made under other Community instruments; However, the Commission did not accept the amendments which aimed to: - ensure that if the Commission or a Member State indicated that a notified national measure was likely to create unjustified obstacles to the free movement of goods, the Commission could propose appropriate measures, after having consulted the relevant committee and the European Parliament; - introduce a reference to Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations; to Directive 92/59/EEC on general product safety; and to the various directives on the internal market containing safeguard clauses.

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 29/06/1995 - Council position

The Council's common position incorporated all of the amendments tabled by the European Parliament that had been taken over in the Commission's amended proposal. The Council also included new provisions aimed at: - clarifying the situations under which the notification procedure established by the decision was to be applied; - defining the terms "judicial decision", in the strict sense, and "measures", in the broad sense; - defining in more detail the measures that should be notified and those that fell outside the scope of the decision: exclusion of measures relating solely to the protection of public morality or public order and exclusion of second-hand goods which, with time or use, had become unsuitable for being placed or kept on the market; - increasing from 30 to 45 days the period of time granted to the competent authorities to notify the information set out in the decision, with a view to taking account of the technical constraints involved in the administration; - clarifying that, in certain cases, the communication of certain information was subject to authorisation by the competent judicial authority; - providing for assistance from the Standing Committee set up by Directive 81/139/EEC and, where appropriate, information for the sectoral committees; - ensuring that the decision was implemented from 1 January 1997 by allowing the Member States six months from its entry into force to communicate to the Commission the measures it had taken to implement the decision.

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 06/06/1995

The Council agreed, the German and Netherlands delegations voting against, to the common position on the establishment of a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community. The above delegations' explanations of their voting appear in the Annex. This is a proposal for a decision of the European Parliament and the Council under the co-decision procedure. After its official adoption by the Council at a forthcoming meeting, following the finalisation of the text, the common position will be sent to the European Parliament for the next stage of this procedure. The aim of the proposal is to improve implementation of Article 100b of the Treaty (mutual recognition of national measures in the absence of harmonisation at Community level), especially where greater transparency is concerned. The Decision, as it appears from the common position, is designed to introduce a system of information exchange between the Member States and the Commission, leading in particular to the communication of cases of refusal to put on the market products that are legally manufactured or marketed in another Member State. It gave rise to long discussions, in particular because certain delegations considered that the notification procedure involved an amount of red tape that would outweigh the benefit derived. The adoption of the common position followed a practical exercise: thus the national administrations had implemented the Decision in March 1995 in certain sectors (foodstuffs, pharmaceutical and medical products, road vehicles) in order to check whether the procedure introduced by the Decision would not involve too much red tape. The exercise convinced a majority of delegations that the number of cases of refusal by Member States to put products manufactured or marketed in another Member State on the market was relatively low. The Decision will apply from 1 January 1997. 'The German delegation remains unconvinced of the need for the proposal for a decision establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods. Indeed, it fears that the amount of red tape involved in applying this Decision would far outweigh the actual benefit derived. The interests of economic operators are already adequately served by the many compulsory notification procedures that exist at Community level and by the ability of undertakings to complain about national measures directly to the Commission or to their national governments.' 'The Netherlands delegation today voted against the draft Decision. The Netherlands delegation endorses the aim of the draft Decision, which is to contribute to the proper implementation of the principle of mutual recognition and thus the proper operation of the Internal Market. The Decision is not the appropriate way of achieving that objective as it overlaps with existing procedures and the red tape that it involves for the Member States outweighs the benefits that the procedure is supposed to produce.'

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 15/12/1993 - Legislative proposal

The purpose of the draft decision was to establish a simple procedure whereby the Member States and the Commission would exchange information in order to enable the Community to administer in a transparent and pragmatic manner the mutual recognition of national legislation which had not been the subject of Community harmonisation. The proposed procedure concerned four categories of decision: - general prohibition of a design or type of

product; - refusal of marketing authorisation; - modification of a contested design or type of product with a view to making it marketable; - withdrawal from the market. The procedure for exchanging information would only relate to the final decision taken on the product in question and not to previous measures taken for the sole purpose of formulating the final decision (precautionary and investigative measures). In addition, the procedure would only cover cases that were not already covered by the existing notification procedures for which Community legislation provided.

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 27/04/1994 - Economic and Social Committee: opinion, report

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 10/07/1995 - Commission communication on Council's position

In the Commission's view, the text of the common position - which integrated all the EP amendments retained by the Commission in its amended proposal - represented an excellent summary of the work carried out by the various EU institutions with a view to establishing a simple and effective procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community.

Free movements of goods: exchange of information on national measures

1993/0489(COD) - 13/12/1995 - Final act

OBJECTIVE: improving the implementation of Article 100b of the EC Treaty (mutual recognition of national measures, in the absence of harmonization at Community level), with particular reference to greater transparency. COMMUNITY MEASURE: Decision No 3052/95/EC of the European Parliament and of the Council establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community. SUBSTANCE: The decision introduces a system for the exchange of information between the Member States and the Commission, involving in particular the notification of refusal to place on the market products lawfully produced or marketed in another Member State. The information procedure covers four categories of decision: - a general ban on a model or type of product; - a refusal to allow goods to be placed on the market; - the modification of the model or type of product concerned, with a view to its being placed on the market; - withdrawal from the market. The information procedure only concerns the final decision taken with regard to the product concerned and not the preliminary measures solely designed to permit the determination of the final decision (preventive measures and investigations). In addition, it does not apply to: - measures relating solely to the protection of public morality or public order; - measures relating to second-hand goods which, with time or use, have become unsuitable for being placed or being kept on the market. Notifications must be made within a period of 45 days. ENTRY INTO FORCE : 1 January 1997.