

Public consultation on the initiative "Reforming the internal market for industrial products" from Commission Work Programme 2013

2012 marked the 20th anniversary of the internal market. It is generally perceived that all technical and legal barriers in the internal market for goods have been eliminated. Indeed, the internal market for food and agricultural products has been fundamentally reformed during recent years and the new Toys Directive and the forthcoming proposal for a General Product Safety Regulation will bring comparable, sweeping change to the EU's consumer product market. But can we really say that the internal market for all **industrial products**, i.e. manufactured non-food products, is completed? Are the rules still coherent and effective? Are our rules and structures properly adapted to the single market for products of the 21st century and to the needs of European industry, consumers and other stakeholders?

Against this background the European Commission, in its Work Programme for 2013, has committed to deliver a strategic initiative updating and simplifying the rules for the circulation of products in the single market, and identify gaps still blocking free circulation. The objective of this initiative is to enhance the quality and efficiency of the internal market legislation for industrial products. It will address the elimination of remaining trade barriers, in particular for products with high-growth potential, ensure more consistency in the application of the legislation, and simplify its management and implementation.

This public consultation will contribute to reflection on the above issues by addressing a wide stakeholder audience. The substantive questions are divided into two parts. The first part deals with the remaining regulatory barriers for industrial products in the internal market. The second part covers the simplification of existing rules.

For the purposes of this public consultation, terms such as "Union harmonisation legislation", "internal market legislation for industrial products", "product legislation" and "EU industrial product legislation" are used interchangeably.

For the specificities of its regulatory framework the automotive industry is outside the scope of this exercise. Furthermore, as part of the Commission's simplification commitments, a legislative initiative simplifying the following four directives is also being considered separately:

- *Pressure Equipment 97/23/EC;*
- *Personal protective equipment (PPE) 89/686/EEC;*
- *Appliances burning gaseous fuels 2009/142/EC;*
- *Cableway installations designed to carry persons 2000/9/EC.*

This consultation will very soon be available in the other official EU languages (except Irish).

Questions marked with an asterisk * require an answer to be given.

PUBLICATION OF DATA

A synthesis of your contributions received via this online questionnaire, as well as individual contributions, will be published on the web.

Do you agree that, together with your contributions, the Commission publishes your identity or the identity of your organisation/affiliation? *

- I agree
- I do not agree

PROFILE OF THE RESPONDENT

Profile of the respondent

Please indicate your name / the name of your organisation: * (maximum 250 characters)

Please indicate your e-mail address:

(maximum 250 characters)

Please indicate in what capacity you are replying to the questionnaire: *

- enterprise / self-employed
- business representative organisation
- consumer representative organisation
- other non-governmental organisation
- public authority
- citizen



If you are an enterprise please indicate the size of your enterprise: *

- Self-employed
- Micro enterprise (1-9 employees)
- Small enterprise (10-49 employees)
- Medium enterprise (50-249 employees)
- 250-499 employees
- More than 500 employees



If you are a business representative organisation please indicate the size of the enterprises you represent: *



Multiple-response question

- Self-employed
- Micro enterprise (1-9 employees)
- Small enterprise (10-49 employees)
- Medium enterprise (50-249 employees)
- 250-499 employees
- More than 500 employees

Where are you based? *

- | | | |
|--------------------------------------|-----------------------------------|--------------------------------------|
| <input type="radio"/> Austria | <input type="radio"/> Greece | <input type="radio"/> Portugal |
| <input type="radio"/> Belgium | <input type="radio"/> Hungary | <input type="radio"/> Romania |
| <input type="radio"/> Bulgaria | <input type="radio"/> Ireland | <input type="radio"/> Slovakia |
| <input type="radio"/> Cyprus | <input type="radio"/> Italy | <input type="radio"/> Slovenia |
| <input type="radio"/> Czech Republic | <input type="radio"/> Latvia | <input type="radio"/> Spain |
| <input type="radio"/> Denmark | <input type="radio"/> Lithuania | <input type="radio"/> Sweden |
| <input type="radio"/> Estonia | <input type="radio"/> Luxembourg | <input type="radio"/> United Kingdom |
| <input type="radio"/> Finland | <input type="radio"/> Malta | <input type="radio"/> Outside the EU |
| <input type="radio"/> France | <input type="radio"/> Netherlands | <input type="radio"/> Outside Europe |
| <input type="radio"/> Germany | <input type="radio"/> Poland | |



Please select the sector corresponding to your activities or the activities of your organisation: *



Multi-response question

- Not applicable
- Agriculture, forestry and fishing
- Mining and quarrying
- Manufacturing
- Electricity, gas, steam and air conditioning supply
- Water supply, sewerage, waste management and remediation activities
- Construction
- Wholesale and retail trade; repair of motor vehicles and motorcycles
- Transportation and storage
- Accommodation and food service activities
- Information and communication
- Financial and insurance activities
- Real estate activities
- Professional, scientific and technical activities
- Administrative and support service activities
- Public administration and defence; compulsory social security
- Education
- Human health and social work activities
- Arts, entertainment and recreation
- Other service activities
- Activities of households as employers; undifferentiated goods and services producing activities of households for own use
- Activities of extraterritorial organisations and bodies
- Other



Please specify:

*

(maximum 250 characters)



Agriculture, forestry and fishing:

- Crop and animal production, hunting and related service activities
- Forestry and logging
- Fishing and aquaculture



Mining and quarrying:

- Mining of coal and lignite
- Extraction of crude petroleum and natural gas
- Mining of metal ores
- Other mining and quarrying
- Mining support service activities



Manufacturing: *

- Manufacture of food products
- Manufacture of beverages
- Manufacture of tobacco products
- Manufacture of textiles
- Manufacture of wearing apparel
- Manufacture of leather and related products
- Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
- Manufacture of paper and paper products
- Printing and reproduction of recorded media
- Manufacture of coke and refined petroleum products
- Manufacture of chemicals and chemical products
- Manufacture of basic pharmaceutical products and pharmaceutical preparations
- Manufacture of rubber and plastic products
- Manufacture of other non-metallic mineral products
- Manufacture of basic metals
- Manufacture of fabricated metal products, except machinery and equipment
- Manufacture of computer, electronic and optical products
- Manufacture of electrical equipment
- Manufacture of machinery and equipment n.e.c.
- Manufacture of motor vehicles, trailers and semi-trailers
- Manufacture of other transport equipment
- Manufacture of furniture
- Other manufacturing
- Repair and installation of machinery and equipment



Water supply, sewerage, waste management and remediation activities:

- Water collection, treatment and supply
- Sewerage
- Waste collection, treatment and disposal activities; materials recovery
- Remediation activities and other waste management services



Construction:

- Construction of buildings
- Civil engineering
- Specialised construction activities



Wholesale and retail trade; repair of motor vehicles and motorcycles:

- Wholesale and retail trade and repair of motor vehicles and motorcycles
- Wholesale trade, except of motor vehicles and motorcycles
- Retail trade, except of motor vehicles and motorcycles



Transportation and storage:

- Land transport and transport via pipelines
- Water transport
- Air transport
- Warehousing and support activities for transportation
- Postal and courier activities



Accommodation and food service activities

- Accommodation
- Food and beverage service activities



Information and communication:

- Publishing activities
- Motion picture, video and television programme production, sound recording and music publishing activities
- Programming and broadcasting activities
- Telecommunications
- Computer programming, consultancy and related activities
- Information service activities



Financial and insurance activities:

- Financial service activities, except insurance and pension funding
- Insurance, reinsurance and pension funding, except compulsory social security
- Activities auxiliary to financial services and insurance activities



Professional, scientific and technical activities:

- Legal and accounting activities
- Activities of head offices; management consultancy activities
- Architectural and engineering activities; technical testing and analysis
- Scientific research and development
- Advertising and market research
- Other professional, scientific and technical activities
- Veterinary activities



Administrative and support service activities:

- Rental and leasing activities
- Employment activities
- Travel agency, tour operator and other reservation service and related activities
- Security and investigation activities
- Services to buildings and landscape activities
- Office administrative, office support and other business support activities



Arts, entertainment and recreation:

- Creative, arts and entertainment activities
- Libraries, archives, museums and other cultural activities
- Gambling and betting activities
- Sports activities and amusement and recreation activities



Other service activities:

- Activities of membership organisations
- Repair of computers and personal and household goods
- Other personal service activities

Identifying and eliminating the remaining barriers to the Internal market for industrial products

Estimations point to the fact that around 20-25% of products remain non-harmonised, meaning not subject to Union harmonisation legislation.

These products might be explicitly or implicitly excluded from Union harmonisation legislation. This is for instance the case with products intended for security purposes or some measuring instruments such as material measures of capacity for liquids or for grains, measuring containers, level indicators etc.

In general, preliminary feedback has so far suggested that stakeholders, in some sectors, are reluctant to rely on mutual recognition for varying reasons. Cross-border disputes also present a great challenge for enterprises operating within the internal market.

This section of the questionnaire therefore aims to look into these diverse remaining barriers in order to learn from stakeholders which are the most important points that would need to be looked into by the Commission. Questions refer to non-harmonised products, services related to a product and high-growth/new technology products.

What, if any, are the regulatory barriers to the effective functioning of the internal market for industrial products?

(maximum 1000 characters)

How could any such regulatory barriers be overcome?

(maximum 1000 characters)

What, if any, are the **non**-regulatory barriers to the effective functioning of the internal market for industrial products? (maximum 1000 characters)

Do you rely on mutual recognition for supplying products to another Member State of the European Union? *

- Not applicable
- Yes
- No
- Do not know

Do you think that Regulation (EC) 764/2008 on mutual recognition is a good instrument for ensuring the free movement of industrial products not covered by harmonisation legislation? If not, what is its main weakness?

(maximum 1000 characters)

Are there products not covered by EU industrial products legislation that would benefit from being harmonised in view of facilitating their free movement in the internal market? *

- Yes
- No
- Do not know



If yes, please specify which products or categories of products: * (maximum 500 characters)

Is there a need for a special procedure allowing for a faster dispute resolution of cross-border litigation related to the free movement of products within the EU? *

- Yes
- No
- Do not know



If yes, what would be your suggestions in relation to the set-up of such a procedure at EU level?

(maximum 1000 characters)

The value-chain of certain industrial products often includes the provision of a service. Have you come across any impediment to deliver or receive services with respect to industrial products? *

- Yes
- No
- Do not know



If yes, please specify for which products or categories of products? * (maximum 300 characters)



If yes, please specify what type of service barriers do you refer to? *



Multiple-response question

- | | | |
|---|---|--|
| <input type="checkbox"/> Engineering and design | <input type="checkbox"/> On-site installation | <input type="checkbox"/> Maintenance, support and after-sales services |
| <input type="checkbox"/> Repairs | <input type="checkbox"/> Other | |



If other, please specify? * (maximum 300 characters)

Are there other issues related to the interpretation of products and services that you would like to raise in view of ensuring a smoother functioning of the internal market for industrial products? (maximum 1500 characters)

A KET-based product is defined as a product induced by Key Enabling Technologies and/or produced by advanced manufacturing technologies. Examples are high-efficiency photonic LEDs; advanced batteries combining advanced materials and nanotechnologies for electro-mobility; biochips combining advanced materials, nanoelectronics and photonics to detect diseases; nanocomponents issued from nanoelectronics or mobile phones etc.

Do you see specific regulatory barriers impeding the development, commercialisation or market uptake of KET-related applications and products within the EU? *

- Yes, there are existing regulatory barriers
- Yes, future regulatory barriers are expected
- No
- Do not know



If yes, please specify which are these barriers * (maximum 500 characters)



If yes, please specify for which of the KETs you encounter these barriers* (maximum 300 characters)

Are there barriers to the free movement of KETs-based products within the EU?*

- Yes
- No
- Do not know



If yes, please specify for which of the KETs you encounter these barriers* (maximum 300 characters)

Are there aspects of 3-D printing that need to be regulated at EU level?*


- Yes
- No
- Do not know



If yes, please specify which aspects* (maximum 500 characters)


Are there actual or potential barriers to the free movement of 3-D printed products within the EU? *

- Yes
- No
- Do not know

 If yes, please specify which are these barriers * (maximum 300 characters)

Are there actual or potential barriers to the free movement of sustainable and environment-friendly products within the EU? *

- Yes
- No
- Do not know

 If yes, please specify which are these barriers * (maximum 500 characters)

Simplification and alignment of existing rules

The marketing of a product in the harmonised area is typically regulated by more than one piece of Union harmonisation legislation. Overlaps, inconsistencies and even conflicts between different legislative texts should be eliminated as far as possible.


This section of the questionnaire therefore looks into the common features of the different legislative texts, for instance relating to traceability or conformity marking, so as to ensure that the rules are coherent and do not create unnecessary burdens for economic operators and market surveillance authorities.

Which type of legal instrument is more suited to the aims of technical harmonisation? *

- Directives
- Regulations
- Do not know


Are there overlaps or conflicts between different pieces of Union harmonisation legislation that have an impact on EU industrial products? *

- Yes
- No
- Do not know

 If yes, please specify which provisions of Union harmonisation legislation are concerned and how they overlap or in what way they conflict * (maximum 1000 characters)


Are there categories of products that should be increasingly subject to mutual recognition and less to EU harmonised rules? *

- Yes
- No
- Do not know

 If yes, please specify which categories of products are concerned * (maximum 500 characters)


Is there scope to broaden the essential requirements of some pieces of Union harmonisation legislation to cover a wider range of products from related industry sectors? *

- Yes
- No
- Do not know

 If yes, please specify which pieces of Union harmonisation legislation are concerned * (maximum 500 characters)


Is there scope to merge the essential requirements of different pieces of Union harmonisation legislation? *

- Yes
- No
- Do not know

 If yes, please specify which pieces of harmonisation legislation are concerned * (maximum 500 characters)

Are there provisions in the internal market legislation for industrial products which could be identical and apply across a range of sectors in view of reducing divergence and potential conflicts between different legislative texts? *

- Yes
- No
- Do not know

 If yes, which ones? *

 *Multiple-response question*

- Rules on free movement
- Rules on the obligations for manufacturers
- Rules on the obligations for importers
- Rules on the obligations for distributors
- Rules on the authorised representative
- Cases in which the obligations of manufacturers apply to importers and distributors
- Rules on the identification of economic operators
- Rules on conformity assessment procedures
- Rules on the presumption of conformity with standards
- Rules on the EU declaration of conformity
- Rules on CE marking
- Rules on notification, notifying authorities and notifying bodies
- Rules on penalties
- Rules on the validity of certificates of conformity

In the case of capital goods which are developed and supplied to be used by professionals for the development of other products: do these products require a special treatment in Union harmonisation legislation? *

- Yes, these need to be exempted from the scope of product legislation
- Yes, these products need to be subject to lighter requirements, both in terms of substance and labelling, which take into account the difference between a professional user and a consumer.
- Yes, they do not need to comply with the usual labelling and requirements for the accompanying documents shaped mainly to protect consumers, but they need to comply with the substantive requirements
- No
- Do not know

Should CE marking be accompanied by other information, for example, labelling such as: *

 *Multiple-response question*

- A direct reference to the applicable legislation
- A marking(s) referring to the applicable legislation
- The notified body number
- The conformity assessment procedure
- No
- Do not know

Are there elements concerning CE marking which can be improved in view of ensuring a smoother functioning of the internal market for industrial products? (maximum 1500 characters)

Should accreditation be made compulsory for the purposes of demonstrating the technical capacity of conformity assessment bodies? *

- Yes
- No
- Do not know

Should third party conformity assessment be required for all industrial products? *

- Yes
- No
- Do not know

Would you prefer that the Single Declaration of Conformity be a simple compilation of individual Declarations of conformity? *

- Yes
- No
- Do not know

Would you prefer that each piece of product legislation provide for a customised Declaration of Conformity? *

- Yes
- No, there should be one single template for the Declaration of Conformity
- Do not know

Are there any other suggestions you wish to make to ensure a smoother functioning of the internal market for industrial products? (maximum 1500 characters)