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

2022/0280(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 412 votes to 52, with 161 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2013/29/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32 /EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU and 2014/68/EU as regard 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 directive 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. It amends a number of EU sectoral directives that lay down harmonised rules governing the design, manufacture, conformity assessment and placing on the market of certain goods.

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 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 to ensure that during an internal market emergency mode harmonised 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 Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2014 /29/EU, 2014/30/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU and 2014/68/EU. Those procedures should become applicable only following the activation of the internal market emergency mode, only when a specific good covered by those Directives is designated as a crisis-relevant good and the Commission has adopted an implementing act activating those procedures in accordance with that Regulation.

As regards products, falling within the scope of the amended Directives, 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 Directives, 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.

Therefore, this Directive takes into account both the context constituted by the fully harmonised rules stemming from the amended Directives and the complementary rules stemming from amendments made to them. Those amendments would allow national authorities to recognise authorisations issued in other Member States and require the Commission to extend the validity of such national authorisations from the territory of a single Member State to the territory of the Union, by means of implementing acts, provided that the requirements set out in the authorisation ensure conformity with the essential requirements laid down in those amended Directives

By providing an additional, parallel avenue for exceptionally placing crisis-relevant goods on the market in the context of an internal market emergency, the derogating rules enable new manufacturers to swiftly place their products on the market without waiting for the finalisation of the normal conformity assessment procedures.

The validity of all authorisations, issued during an active internal market emergency mode in accordance with the emergency procedures established by this Directive, for the placing on the market of products designated as crisis-relevant goods, should automatically expire on the date of expiry or deactivation of the internal market emergency mode. However, it should also be possible to issue authorisations with a shorter validity. Once an authorisation has expired, crisis-relevant goods should no longer be placed the market on the basis of that authorisation.

All authorisations for the placing on the market of crisis-relevant goods issued by Member States should contain at least certain information supporting the assessment that the goods concerned are compliant with the applicable essential requirements and should contain certain elements ensuring traceability.