

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 1996/0300(COD) Regulation</p>	Procedure completed
<p>Technical standards and regulations: procedure for the provision of information. Codification</p> <p>Amended by 1996/0220(COD) Repealed by 2010/0095(COD) Amended by 2011/0150(COD)</p> <p>Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs, Citizens' Rights		
	Former committee responsible		
	JURI Legal Affairs, Citizens' Rights		
Council of the European Union	Council configuration	Meeting	Date
	Culture	2100	28/05/1998
	General Affairs	2070	23/02/1998

Key events			
12/12/1996	Legislative proposal published	COM(1996)0642	Summary
15/01/1997	Committee referral announced in Parliament, 1st reading		
01/09/1997	Vote in committee, 1st reading		
17/09/1997	Decision by Parliament, 1st reading	T4-0437/1997	Summary
22/02/1998	Council position published	12081/1/1997	Summary
12/03/1998	Committee referral announced in Parliament, 2nd reading		
14/04/1998	Vote in committee, 2nd reading		Summary
30/04/1998	Decision by Parliament, 2nd reading	T4-0226/1998	Summary
28/05/1998	Act approved by Council, 2nd reading		
22/06/1998	Final act signed		
22/06/1998	End of procedure in Parliament		
21/07/1998	Final act published in Official Journal		

Technical information	

Procedure reference	1996/0300(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Codification
Legislative instrument	Regulation
	Amended by 1996/0220(COD) Repealed by 2010/0095(COD) Amended by 2011/0150(COD)
Legal basis	Rules of Procedure EP 52-p1; Rules of Procedure EP 66_o-p4; EC before Amsterdam E 100A; EC before Amsterdam E 213; EC before Amsterdam E 043
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/09808

Documentation gateway

Legislative proposal	COM(1996)0642 OJ C 078 12.03.1997, p. 0004	13/12/1996	EC	Summary
Economic and Social Committee: opinion, report	CES0225/1997 OJ C 133 28.04.1997, p. 0005	26/02/1997	ESC	Summary
Text adopted by Parliament, 1st reading/single reading	T4-0437/1997 OJ C 304 06.10.1997, p. 0075-0079	17/09/1997	EP	Summary
Council position	12081/1/1997 OJ C 110 08.04.1998, p. 0001	23/02/1998	CSL	Summary
Commission communication on Council's position	SEC(1998)0396	06/03/1998	EC	Summary
Text adopted by Parliament, 2nd reading	T4-0226/1998 OJ C 152 18.05.1998, p. 0014-0030	30/04/1998	EP	Summary
Follow-up document	COM(2000)0429	07/07/2000	EC	Summary
Follow-up document	COM(2003)0069	13/02/2003	EC	Summary
Follow-up document	COM(2003)0200	23/05/2003	EC	Summary
Follow-up document	COM(2007)0125	21/03/2007	EC	Summary
Follow-up document	COM(2009)0690	22/12/2009	EC	Summary
Follow-up document	SEC(2009)1704	22/12/2009	EC	
Follow-up document	COM(2011)0853	07/12/2011	EC	Summary
Follow-up document	SEC(2011)1509	07/12/2011	EC	
Follow-up document	COM(2015)0338	17/07/2015	EC	Summary
Follow-up document	SWD(2015)0137	17/07/2015	EC	

Additional information

European Commission	EUR-Lex
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Final act

Technical standards and regulations: procedure for the provision of information. Codification

The aim of this proposal is the consolidation of Council Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations. The new directive will supersede the various directives incorporated in it; their content is fully preserved and it only brings them together, making only such formal amendments as are required by the codification exercise itself. ?

Technical standards and regulations: procedure for the provision of information. Codification

The Committee approves the Commission proposal. ?

Technical standards and regulations: procedure for the provision of information. Codification

Parliament approved the proposal (procedure without debate). ?

Technical standards and regulations: procedure for the provision of information. Codification

As the proposal concerned an official codification of the rules in force, the common position did not incorporate any changes of substance to the Commission proposal and merely made certain technical corrections without political substance. ?

Technical standards and regulations: procedure for the provision of information. Codification

The Commission totally supports the common position which makes technical changes to the proposal with no political implications. ?

Technical standards and regulations: procedure for the provision of information. Codification

The committee has approved the proposal without any amendments?

Technical standards and regulations: procedure for the provision of information. Codification

The European Parliament approved the common position. ?

Technical standards and regulations: procedure for the provision of information. Codification

OBJECTIVE: consolidation of Directive 83/189/EEC, which has been amended several times. COMMUNITY MEASURE: Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations. SUBSTANCE: The directive aims to consolidate Council Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations. The new directive will replace the various directives which have been consolidated. ENTRY INTO FORCE: 10/08/1998. ?

Technical standards and regulations: procedure for the provision of information. Codification

PURPOSE: to inform the European Parliament, and the Economic and Social Committee on the application of Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations. CONTENT: This report on the application of Directive 98/34/EC from 1995 to 1998 is intended to inform the European Parliament, the Council and the Economic and Social Committee in accordance with Article 11 of Directive 83/189/EEC, as amended by Directives 88/182/EEC and 94/10/EC and consolidated by Directive 98/34/EC. The purpose of the Directive is to prevent the appearance of barriers to intra-Community trade; this basic instrument for the completion of the Internal Market has fulfilled its purpose by initiating a dialogue between the Commission and the Member States, by promoting cooperation among the Member States, and by setting up an information network linking European and national standardisation bodies. The changes made to the Directive, in particular those made during the period covered by this report, and the case-law of the European Court of Justice have contributed to this result and have enhanced the transparency, dialogue, preventive approach and reciprocal control which characterised the system from the start. The report on the operation of this instrument from 1995 to 1998 is divided into three parts: 1) The information procedure for standards. After a brief description of the procedure for standards, this section explains how it worked from 1995 to 1998 and analyses the statistics. It also discusses the quality of the notifications, the use made thereof, and the mandates given

to the European standardisation bodies, i.e. the European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute (ETSI). This section ends with details of improvements which have been made or could be made. 2) The notification procedure for technical rules within the European Community (EC). This section describes how the procedure established by Directive 98/34/EC for national technical regulations has developed. It examines the information flows, including the various reactions from the Commission and the Member States, the possible further procedures, and the results. Particular attention is paid to the factors which contributed to the increase in the number of drafts notified and to the action taken to provide businesses with more information. 3) The exchange of information on technical rules between the Community and the EFTA countries. The Agreement on the European Economic Area (EEA Agreement) entered into force in 1994. It incorporates the provisions of Directive 98/34/EC in an adapted form. Although the Swiss Confederation is not a party to the EEA Agreement, it continues to participate in the exchange of information with the Community by voluntarily following the practice introduced by the Agreement between the Member States of EFTA and the EEC laying down a procedure for the exchange of information in the field of technical regulations. This section analyses the exchange of information between these countries and the Community. ?

Technical standards and regulations: procedure for the provision of information. Codification

The notification procedure introduced by Directive 98/34/EC has been implemented in the Information Society services sector since August 1999. This report sets out to take stock of the application of the Directive's provisions in relation to those services. An overview of that procedure is provided as an aid to gauging its contribution in the field of the services newly covered. The report states that the functioning of the procedure is assessed in a positive light, confirming the actual value of this Directive as an effective internal-market tool in this new economic field. It has made it possible to develop a genuine dialogue between the Commission and the Member States and to create greater transparency concerning ongoing regulatory initiatives, which are brought to the attention of all the authorities and parties concerned. Moreover, by dint of prior analysis of draft texts enabling numerous obstacles to be avoided before they can have any negative impact, the Directive has made a practical contribution towards achieving the objective, set by the Lisbon European Council, of "better law-making" and of defining a regulatory framework geared to reinforcing the competitiveness of the European economy in such a dynamic and innovative field as Information Society services. The report starts off with a presentation of the notification procedure in the field of Information Society services. This is followed by a detailed analysis of the Commission's and Member States' responses to drafts notified so far and to major problems of Community law raised therein. Specific (urgency, confidentiality and "blocking") procedures are analysed in detail. The report also takes stock of breaches of the notification procedure. Finally, it sets out new (national and international) developments in the procedure and concludes with an assessment of its deficiencies and strong points so as to convey an accurate picture of the situation. The favourable impact of the notification procedure in the field of Information Society services can be summarised under six headings: - dialogue on new topics, - the withdrawal or amendment of draft regulations incompatible with Community law, - the creation of a body of law on numerous topics, - exchange of ideas, - Commission examination of the need for legislation in certain areas and, - the provision of information to undertakings and the public on draft national regulations in this sector.?

Technical standards and regulations: procedure for the provision of information. Codification

The European Commission has presented a report on the results of the application of Directive 98/34/EC laying down a procedure for the provision of information in the field of technical regulations and standards and of rules on information society services. It covers the period 1999 to 2001. The report provides an assessment of the role of Directive 98/34/EC during the period in question. It is intended to raise awareness of these procedures set up by the Directive and to encourage businesses to make even more use of it. Firstly, this report gives a brief description of the procedure in the field of standards, provides an assessment and proposes improvements. The report concludes that it would be useful to examine the value and direct and indirect usefulness of this procedure for the different players on the market. It is first up to all the parties concerned to consider these aspects and make an assessment. However, it should be noted that it is highly likely that the absence of the mechanism for monitoring national activities could again create the danger of disruption on the internal market. Therefore, this procedure must certainly be continued, but it is necessary to allocate greater resources to it and to strengthen it at European and national levels in order to increase its effectiveness. One further question that could be asked concerns the legal framework. European standardisation now covers a wide variety of fields which were previously within the scope of national standards. It may also be assumed that the standardisation bodies now automatically check whether their national standardisation intentions should be submitted directly at European or even international level. It would therefore be useful to consider reducing the legal framework of the information procedure for standards when Directive 98/34/EC is revised. This report provides a brief description of the procedure in the field of technical rules, the information exchanged, and the reactions of the Commission and the Member States. It also includes the results achieved, infringements of Directive 98/34/EC and case law in this area, the measures taken to improve the functioning of the procedure and, finally, its application at international level. The report states that the notification procedure could be extended both as regards contents and geographical coverage. Since services play an increasingly important role in our economies, the Commission has undertaken to begin studying the suitability of extending Directive 98/34/EC to services other than those of the information society. This appears particularly necessary since the Commission has already noted in its analysis of drafts covering several high technology sectors such as genetic treatment and the use of stem cells, that the Member States are increasingly linking the processing and handling of products to requirements imposed on service providers. Lastly, the report highlights another challenge for Directive 98/34/EC which is in fact enlargement. A first step has already been taken with Turkey, which has had the possibility since 1 January 2001 of participating in the notification procedure under a simplified arrangement. Given the importance of the Directive for the creation of an enlarged internal market, the Commission is currently studying ways of including the participation of candidate countries in the notification procedure prior to their accession, on the lines of the EFTA countries.?

Technical standards and regulations: procedure for the provision of information. Codification

The purpose of this Report is to analyse the application of procedures as laid down by Directive 98/34/EC for standardisation and technical regulation between 2002 and 2005. It is divided into two parts. The first deals with ?Standardisation?; the second ?Technical Regulations?.

Standardisation: The procedure in the field of standards has been designed to monitor all new standardisation activities introduced by the National Standardisation Bodies or NSBs. Systems have been set up to allow the bodies to comment, participate or to request an initiative be

taken at European level. The report finds that the procedure has continued to operate successfully between 2002 and 2005. The publication of national standardisation initiatives encourages all stakeholders to consider the possibility of extending work at a European level. In the new field of standardising services the number of national initiatives notified is high.

Concerning Mandates the report finds that the process of mandating is well-established but care must be taken to ensure it continues to operate smoothly. To that end, the informal consultation of all relevant parties prior to the Committee consultation is essential and will need to be reinforced. As far as Formal Objections are concerned the report finds that the number of objections has been low. However, when taking account of new objections, the number of formal objections is on the rise. The main areas concern machinery, toys, construction products and medical devices. Although time consuming the process of receiving objections has, in general, worked well.

Technical Regulations: Between 2002 and 2005, the utility procedure has been fully confirmed in terms of effectiveness, transparency and administrative co-operation. Moreover, the high number of draft technical regulations notified by the Member States, in accordance with the Directive, contributes towards the correct application of Community legislation through a preventative approach. The networking approach and the high degree of co-operation between the Commission and Member States have also ensured that national regulatory activities have been carried out without creating technical barriers to trade and that Community harmonisation has occurred only where really needed.

The intense work undertaken to ensure that the 10 applicant countries comply with the obligations arising from the Directive on their accession to the EU has helped ensure the correct operation of the enlarged internal market.

Extending the enterprise policy dimension remains a high priority. Notified drafts are already available electronically, free of charge and in all the official languages of the EU. Efforts will continue to provide economic operators with a legal framework that is as clear as possible without any regulatory excesses.

Technical standards and regulations: procedure for the provision of information. Codification

The Commission presents its report analysing the application between 2006 and 2008 of the procedures laid down by Directive 98/34/EC for standardisation and technical regulations. It highlights their important contribution to the implementation of better regulation and to the functioning of the single market.

1) Standardisation: this consists of the information procedure on standards, Commission requests to the European Standards Organisations (ESOs) for standardisation work (mandates) and formal objections against standards. They have proved to be an important element in the functioning of the single market. The information procedure has brought transparency in standards and has encouraged National Standards Bodies (NSBs) to continue to take initiatives to promote European harmonisation. Formal objections have enabled Member States and the Commission to ensure that standards meet the goals of regulation when used for the purposes of New Approach legislation. Mandates have provided the means by which the relationship between the Commission services and standardisers is determined: the interface between the policy level and its technical expression.

- On the information procedure, the report notes that the procedure still plays an important role in encouraging national standardisation bodies to bring their initiatives to European level. Enlargement has led to an increase in notifications from new Member States, which will stabilise and even fall as they become more fully integrated, thus following the trend led by older Member States.
- With regard to mandates, the report states that the process of mandating is well-established, but care must be taken to ensure it continues to operate smoothly. To this end, the informal consultation of all the relevant parties prior to the Committee consultation is essential and should continue. To improve transparency in the functioning of the Committee, the Commission services have from 2006 invited the European standardisation stakeholders, ANEC, ECOS, ETUI and NORMAPME, to participate in its enlarged meeting. The process of mandating has proved to be instrumental in enlarging the role of standardisation in new areas of EU legislation and policy. This is also reflected by the fact that a number of new EU legislative acts refer to the Directive.
- With regard to formal objections, although the process from receiving the objection to issuing of the Decision is time-consuming, the procedure in general has worked adequately. In a similar way to the mandates, and for the sake of transparency, the Commission will make decisions on formal objections public in a consolidated way, and make available an updated table of the actions in relation to the formal objections to the Committee at each meeting.

2) Technical regulations: the notification procedure allows the Commission and Member States to examine preventively the technical regulations Member States intend to introduce for products (industrial, agricultural and fishery) and for Information Society services. The notification to the Commission of national technical regulations prior to their adoption has proved to be an effective instrument of prevention of barriers to trade and of cooperation between the Commission and the Member States and among the Member States themselves as well as improving the regulatory framework. Between 2006 and 2008, the utility of the procedure has been fully confirmed in terms of effectiveness, transparency and administrative cooperation. The fact that, in relation to the number of technical draft regulations notified, the number of infringement proceedings remains minimal shows that the correct application of Community legislation can be ensured through a preventive approach and the close partnership between the Commission and the Member States as well as between the Member States themselves.

This networking approach and the high degree of cooperation between the Commission and the Member States have also ensured that national regulatory activities have been carried out without creating technical barriers to trade and that Community harmonisation has occurred only where really needed, in strict compliance with the subsidiarity principle. At the same time, in certain areas where harmonisation measures already exist, the procedure has allowed to detect the need to supplement or reinforce them.

When applying the Directive the Commission will remain vigilant as regards the principles of better regulation and the need to sustain a favourable environment for the competitiveness of the European economy. Therefore notified drafts continue to be available electronically, free of charge and in all the official languages of the EU. Moreover efforts will continue to provide economic operators with a legal framework that is as clear as possible, will continue to seek to avoid "goldplating" and provide with comments, aiming at enhancing the competitiveness of European enterprises in the EU and abroad, taking into account the links between this procedure and that established by the Agreement on technical barriers to trade (TBT) in the context of the World Trade Organisation (WTO).

Technical standards and regulations: procedure for the provision of information. Codification

The Commission presents a report analysing the application in 2009 and 2010 of the procedures laid down by Directive 98/34/EC for standardisation and technical regulations. It highlights the important contribution of standardisation and of the notification procedure for technical regulations to the functioning of the single market and to the implementation of the Better Regulation policy.

Standardisation: the report describes the operation of the standardisation part of Directive 98/34/EC covering three main activities: the information procedure on standards, Commission requests to the European Standards Organisations for standardisation work (mandates) and formal objections against standards supporting New Approach Directives. It provides explained statistics for the period 2009-2010.

Information procedure: the Commission states that the information procedure still plays an important role in encouraging national standardisation bodies to bring their initiatives to European level, thus encouraging the single market and European harmonisation. Notifications from new Member States are stable which can be considered as a good sign of their integration in the system.

Mandates: the report states that the process of mandating is well-established, but care must be taken to ensure it continues to operate smoothly. To this end, the informal consultation of the ESOs and all interested parties, in particular those European stakeholders representing the users of future standards, prior to the Committee consultation is essential and should continue.

To improve transparency in the functioning of the Committee, the Commission services have invited the European standardisation stakeholders, ANEC, ECOS, ETUI-REHS and NORMAPME, to participate in its enlarged meeting.

For the sake of transparency, and thanks to the technological advantages that will be incorporated into the CIRCA10 system, the services of the Commission will in future consider the possibility of organising a written procedure inspired by internet forums. The objective will be to ensure that all committee members can read the observations of the other members, rendering this type of consultation similar to that held at the Committee meeting.

The process of mandating has proved to be instrumental in enlarging the role of standardisation in new areas of EU legislation and policy. This is also reflected by the fact that a number of new EU legislative acts refer to the Directive.

To enable wider and more effective use of mandates as a policy tool, the mandating process should be more responsive the ESOs should respond earlier if requested European standards are market relevant, if they accept a mandate and on which conditions they accept it. Therefore, future modifications to the mandating process should make sure that clear deadlines are set for replies of the ESOs so that the Commission services have time to develop alternative solutions if the ESOs are unable or unwilling to develop European standards.

Formal decisions: although the process from receiving the objection to issuing of the Decision is quite time-consuming, the procedure in general has worked adequately.

In a similar way to the mandates, and for the sake of transparency, the Commission makes decisions on formal objections public in a consolidated way, and makes an updated table of the actions in relation to the formal objections available to the Committee at each meeting.

Technical Regulations

The notification procedure for national technical regulations allows the Commission and the Member States of the EU to examine preventively the technical regulations Member States intend to introduce for products (industrial, agricultural and fishery) and for Information Society services

During 2009 and 2010, the utility of the procedure has again been confirmed in terms of effectiveness, transparency and administrative cooperation.

The preventive and networking approach of the 98/34 procedure has ensured that national regulatory activities have been carried out without creating technical barriers to trade and that European Union harmonisation has occurred only where really needed, in strict compliance with the subsidiarity principle. The fact that the number of infringement proceedings remained low during the reporting period shows that Directive 98/34/EC is an important tool for ensuring the correct application of European Union legislation.

When applying Directive 98/34/EC the Commission remains vigilant regarding the principle of better regulation and the need to sustain a favourable environment for the competitiveness of the European economy. Notified drafts continue to be available electronically, free of charge and in all the official languages of the EU, thus providing the opportunity for economic operators to comment on them.

Efforts will continue in order to ensure a clear legal framework for economic operators aiming at enhancing the competitiveness of European enterprises in the EU and abroad, taking into account the links between the 98/34 procedure and that established by the Agreement on Technical Barriers to Trade (TBT) in the context of the World Trade Organisation (WTO).

Technical standards and regulations: procedure for the provision of information. Codification

This report analyses the application of the procedures laid down by Directive 98/34/EC from 2011 to 2013 as regards technical regulations and for 2011 and 2012 as regards standards. It highlights the important contribution of the notification procedure to the functioning of the single market and to the implementation of the Better Regulation policy.

1) **Standardisation:** the report describes the operation of the standardisation part of Directive 98/34/EC covering three main activities: (i) the information procedure on standards, (ii) Commission requests to the European Standards Organisations for standardisation work (mandates), and formal objections against standards supporting New Approach Directives. Statistics cover the period 2011-2012, as the standardisation part of Directive 98/34/EC was repealed as of 1 January 2013 by [Regulation \(EU\) No 1025/2012](#) on European standardisation.

- **Information procedure:** the information procedure still plays an important role in encouraging national standardisation bodies to bring their initiatives to the European level, thus encouraging the single market and European harmonisation. Notifications from EU 12 Member States are stable which can be considered as a good sign of their integration in the system.

The number of notifications made by the EU27 countries continued to be stable with between 1750 and 2000 notifications per year. The construction sector continues to dominate the national notifications in CEN, followed by food products and petroleum products. In CENELEC, electrical accessories, electric cables, and electrical installations in buildings have been significant subsectors.

- Mandates: the report notes that the process of mandating is well established and is today governed by Regulation (EU) No 1025/2012. The informal consultation of the ESOs and all interested parties (in particular those European stakeholders representing the users of future standards) prior to the consultation of the Committee on Standards and Technical Regulations is essential.

To improve transparency, the Commission services continued in the reporting period in the practice introduced in 2006 to invite the European standardisation stakeholders ANEC, ECOS, ETUIREHS and NORMAPME, to participate in its enlarged meeting.

The Commission considers that the process of mandating has proved to be instrumental in enlarging the role of standardisation in new areas of EU legislation and policy. Mandates supporting [Directive 2009/125/EC \(the Ecodesign Directive\)](#), aimed at products such as household dishwashers, lamps, air conditioners, pumps or fans, have been a major contributor in increasing the number of mandates.

- Formal objections: the procedure in general has worked adequately. Compared to the previous reporting period, the process from receiving the objection to issuing the Decision was shortened significantly in 2011 and 2012.

In a similar way to the mandates, and for the sake of transparency, the Commission makes decisions on formal objections public in a consolidated way, and makes an updated table of the actions in relation to the formal objections available to the Committee on Standards and Technical Regulations at each meeting.

2) Technical regulations: the 98/34 notification procedure for national technical regulations allows the Commission and the Member States of the EU to examine preventively the technical regulations Member States intend to introduce for products (industrial, agricultural and fishery) and for Information Society services.

From 2011 to 2013, the Commission received 2114 notifications (675 in 2011, 734 in 2012 and 705 in 2013). As in the previous reporting period, the construction sector saw the highest number of notifications over the reporting period, with many measures relating to energy efficiency of buildings and concrete structures, road pavements and constituent materials, fire safety of buildings. Agricultural products, foodstuffs and beverages again followed construction, whilst notifications increased in the telecommunications and in the environment sectors.

The report concludes that during the period 2011-2013, the usefulness of the procedure has again been confirmed in terms of effectiveness, transparency and administrative cooperation.

The Commission considers that the preventive and networking approach of the 98/34 procedure has substantially reduced the risk of national regulatory activities being carried out in a way that would create technical barriers to the free movement of goods within the internal market. The 98/34 procedure has also confirmed its usefulness in providing the possibility to identify areas where harmonisation at EU level might be an option.

When applying Directive 98/34/EC the Commission remains vigilant regarding the principle of better regulation and the need to sustain a favourable environment for the competitiveness of the European economy. Notified drafts continue to be available electronically, free of charge and in all the official languages of the EU, thus providing the opportunity for economic operators and other stakeholders to comment on them.

Efforts will continue in order to ensure a clear legal framework for economic operators aiming at enhancing the competitiveness of European enterprises in the EU and abroad.

In its [resolution of 15 January 2014](#) entitled Reindustrialising Europe to promote competitiveness and sustainability, the European Parliament encouraged further exploitation of the potential of the 98/34 notification procedure.