

Procedure file

| Basic information | |
|---|---------------------|
| <p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation 1996/0300(COD)</p> <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Amended by 1996/0220(COD) Repealed by 2010/0095(COD) Amended by 2011/0150(COD)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> | Procedure completed |

| 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 | | | |
|------------|---|------------------------------|---------|
| 13/12/1996 | 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 |
| 23/02/1998 | 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 | | |

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|------------|---|--|--|
| 22/06/1998 | End of procedure in Parliament | | |
| 21/07/1998 | Final act published in Official Journal | | |

Technical information

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| 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| | Amended by 1996/0220(COD) Repealed by 2010/0095(COD) Amended by 2011/0150(COD) |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 | EC before Amsterdam E 043; Rules of Procedure EP 52-p1; Rules of Procedure EP 66_o-p4; EC before Amsterdam E 100A; EC before Amsterdam E 213 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | JURI/4/09808 |

Documentation gateway

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|--|---|------------|-----|---------|
| 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 |
| Document attached to the procedure | COM(2003)0200 | 23/05/2003 | EC | Summary |
| Follow-up document | COM(2007)0125 | 21/03/2007 | EC | Summary |
| Non-legislative basic 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](#)

Final act

[Directive 1998/34](#)

[OJ L 204 21.07.1998, p. 0037](#) Summary

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 it 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 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 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.