


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Procedure for the provision of information in the field of technical regulations and of rules on information society services. Codification Repealing Directive 98/34/EC 1996/0300(COD)	
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		05/03/2014
		EFD SPERONI Francesco Enrico	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Legal Service	BARROSO José Manuel	
European Economic and Social Committee			

Key events			
23/04/2010	Initial legislative proposal published	COM(2010)0179	Summary
06/05/2010	Committee referral announced in Parliament, 1st reading/single reading		
20/12/2013	Legislative proposal published	COM(2013)0932	Summary
20/03/2014	Vote in committee, 1st reading/single reading		
24/03/2014	Committee report tabled for plenary, 1st reading/single reading	A7-0247/2014	Summary
15/04/2014	Results of vote in Parliament		
15/04/2014	Decision by Parliament, 1st reading/single reading	T7-0345/2014	Summary
13/07/2015	Act adopted by Council after Parliament's 1st reading		
09/09/2015	Final act signed		
09/09/2015	End of procedure in Parliament		
17/09/2015	Final act published in Official Journal		

Technical information	
Procedure reference	2010/0095(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codification procedure)
Procedure subtype	Codification
Legislative instrument	Directive
	Repealing Directive 98/34/EC 1996/0300(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 043; Treaty on the Functioning of the EU TFEU 337; Treaty on the Functioning of the EU TFEU 114-p1
Other legal basis	Rules of Procedure EP 150
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/02789

Documentation gateway

Initial legislative proposal	COM(2010)0179	23/04/2010	EC	Summary
Economic and Social Committee: opinion, report	CES0966/2010	14/07/2010	ESC	
Legislative proposal	COM(2013)0932	20/12/2013	EC	
Economic and Social Committee: opinion, report	CES0728/2014	26/02/2014	ESC	
Committee draft report	PE529.902	05/03/2014	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0247/2014	24/03/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T7-0345/2014	15/04/2014	EP	Summary
Draft final act	00008/2015/LEX	09/09/2015	CSL	
Follow-up document	COM(2017)0788	19/12/2017	EC	Summary
Follow-up document	SWD(2017)0465	19/12/2017	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Directive 2015/1535](#)
[OJ L 241 17.09.2015, p. 0001](#) Summary

2010/0095(COD) - 23/04/2010 Initial legislative proposal

PURPOSE: to codify Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: the purpose of this proposal is to undertake a codification of Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services. The new Directive will supersede the various acts incorporated in it. This proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

2010/0095(COD) - 20/12/2013 Legislative proposal

Having regard to the new amendments which were made to the Commission's initial proposal of 23 April 2010 and in view of the results of the work already carried out in the course of the legislative procedure, the Commission has decided to present an amended proposal for codification of the Directive in question.

This amended proposal also takes account of the purely formal or editorial changes proposed by the Consultative Working Party of the legal services, where these changes are considered justified.

The changes made in this amended proposal, compared with the initial proposal, are the following:

- A new recital stating that it is necessary to envisage a Standing Committee, the members of which are appointed by the Member States, with the task of cooperating in the efforts of the Commission to lessen any adverse effects on the free movement of goods. The Committee should be consulted by the Commission when reviewing the operation of the system set up by this Directive.
- The Directive should not apply to television broadcasting services covered by point (e) of Article 1(1) of Directive 2010/13/EU of the European Parliament and of the Council.

The amended text stipulates that Member States shall communicate to the Commission all requests made to standards institutions to draw up technical specifications or a standard for specific products for the purpose of enacting a technical regulation for such products as draft technical regulations, and shall state the grounds for their enactment.

2010/0095(COD) - 24/03/2014 Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Enrico SPERONI (EFD, IT) on the amended proposal for a directive of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codified text).

According to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance.

The committee recommended that the European Parliament adopts its position at first reading, taking over the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

2010/0095(COD) - 15/04/2014 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 654 votes to 10, with 12 abstentions, a legislative resolution on the amended proposal for a directive of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codified text).

Parliament adopted its position at first reading following the ordinary legislative procedure taking over the Commission proposal.

The purpose of this proposal is to undertake a codification of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

According to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance.

2010/0095(COD) - 09/09/2015 Final act

PURPOSE: codification of Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

LEGISLATIVE ACT: Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

CONTENT: this Directive codifies 98/34/EC of the European Parliament and of the Council has been substantially amended several times. The new Directive will supersede the various acts incorporated in it. It fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

Subject matter and scope: in order to promote the smooth functioning of the internal market, as much transparency as possible should be ensured as regards national initiatives for the establishment of technical regulations as regards any industrially manufactured product and any agricultural product, including fish products as well as Information Society services.

Under this Directive, the term service means any Information Society service, that is to say, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services.

This Directive shall not apply to:

- radio broadcasting services;
- television broadcasting services covered by [Directive 2010/13/EU](#) of the European Parliament and of the Council;
- rules relating to matters which are covered by Union legislation in the field of telecommunications services, as covered by [Directive](#)

[2002/21/EC](#) of the European Parliament and of the Council;

- rules relating to matters which are covered by Union legislation in the field of financial services, as listed non-exhaustively in Annex II to this Directive.

Information regarding standards: Member States shall communicate to the Commission, all requests made to standards institutions to draw up technical specifications or a standard for specific products for the purpose of enacting a technical regulation for such products in the form of draft technical regulations, and shall state the grounds for their enactment.

Information regarding technical rules: the Directive stipulates that Member States shall immediately communicate to the Commission any draft technical regulation, except where it merely transposes the full text of an international or European standard, in which case information regarding the relevant standard shall suffice; they shall also let the Commission have a statement of the grounds which make the enactment of such a technical regulation necessary, where those grounds have not already been made clear in the draft.

The Commission shall immediately notify the other Member States of the draft technical regulation. The Commission and the Member States may make comments to the Member State which has forwarded a draft technical regulation; that Member State shall take such comments into account as far as possible in the subsequent preparation of the technical regulation.

Member States shall postpone the adoption of a draft technical regulation for three months from the date of receipt by the Commission of the communication of a draft technical regulation. Member States shall postpone for four months the adoption of a draft technical regulation in the form of a voluntary agreement and six months the adoption of any other draft technical regulation except for draft rules on services, if the Commission or another Member State delivers a detailed opinion, to the effect that the measure envisaged may create obstacles to the free movement of goods within the internal market.

Member States shall postpone the adoption of a draft technical regulation for 12 months if the Commission finds that the draft technical regulation concerns a matter which is covered by a proposal for a directive, regulation or decision presented to the European Parliament and the Council.

With regard to draft rules on services, detailed opinions from the Commission or Member States may not affect any cultural policy measures, in particular in the audiovisual sphere, which Member States might adopt in accordance with the law of the Union, taking account of their linguistic diversity, their specific national and regional characteristics and their cultural heritage.

Committee: the Directive provides for the creation of a Standing Committee, the members of which are appointed by the Member States, with the task of cooperating in the efforts of the Commission to lessen any adverse effects on the free movement of goods.

Report: the Commission shall report every two years on the results of the application of this Directive.

ENTRY INTO FORCE: 7.10.2015.

2010/0095(COD) - 19/12/2017 Follow-up document

This report analyses the application of the notification procedure laid down by Directive (EU) 2015/1535 (Single Market Transparency Directive).

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

The purpose of the notification procedure is to prevent the creation of new barriers to the internal market before they have been put in place and have produced any negative effects.

The main conclusion of the report is that during the period 2014-2015, the usefulness of the procedure has again been confirmed in terms of transparency, administrative cooperation and prevention of technical barriers in the internal market.

It is an effective instrument that would improve the dialogue with the Commission and facilitate a more targeted and effective approach to barriers to intra-EU trade.

Developments during 2014-2015: during this period, the Commission received 1382 notifications (655 in 2014, 727 in 2015). This represents a small decrease with respect to the previous two years (1484 notifications). Marked differences in the number of notifications among Member States have been noticed, with some Member States carrying out on average more than 50 notifications per year and others notifying less than 10 notifications per year.

As in the previous reporting period, the construction sector saw the highest number of notifications over the reporting period, followed by notifications in the area of agricultural products, fishery and aquaculture products and other foodstuffs.

Numerous notifications were also made in the telecommunications sector and gambling products and services. Lastly, a number of notifications related to the environment sector (mainly packaging and packaging waste, recyclable products, processing of biodegradable waste).

Most common tackled barriers: the Commission identified in the period under analysis several recurrent barriers in the notified draft legislation:

- the Commission reacted frequently to notifications of draft technical regulations in which the mutual recognition clause was not included;
- the Commission examined many notifications concerning the hygiene of foodstuffs. Several potential breaches have also been identified in respect of the implementation by the notifying Member States of the exceptions and the flexibility clauses contained in the Regulations in force;
- in the Information Society services sector, numerous notifications were in the area of gambling, while others concerned, inter alia, copyright in the digital environment, on demand audiovisual media services, electronic commerce, electronic signature and other trust services;
- another recurring issue is a practice whereby national legislation seeks to make voluntary European harmonised standards

compulsory by inserting them into national law.

In the period considered the Commission issued 141 detailed opinions (60 from 2014, 81 from 2015), which represents 10.2% of the total number of drafts notified by the Member States over the reporting period. This figure shows a 10% decrease in the number of detailed opinions issued by the Commission compared to the previous two years.

For their part, the Member States issued 131 detailed opinions (64 from 2014 and 67 from 2015), which represents a decrease compared to the previous two years (157 detailed opinions).

Main conclusions and potential improvements: the high number of detailed opinions and comments issued during the reporting period demonstrates that there is an increasing risk of fragmentation of the internal market for goods. This growing interest mirrors the effort to improve the transparency and the efficiency of the TRIS (Technical Regulation Information System) public website. During the period 2014-2015, the usefulness of the procedure has again been confirmed in terms of transparency, administrative cooperation and prevention of technical barriers in the internal market:

- the preventive and networking approach of the notification procedure, has 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 an internal market which is rapidly evolving, but is not yet delivering on its full potential;
- the notification procedure has been an important tool for guiding national regulatory activity including in certain emerging sectors and improving the quality of national technical regulations - in terms of transparency, legibility and effectiveness - in non-harmonised or partly harmonised areas. The notification procedure has also confirmed its usefulness in providing the possibility to identify areas where harmonisation at EU level might be an option;
- on average 79% of the detailed opinions issued by the Commission were replied to by the Member States concerned and dialogues followed to remove any incompatibility with EU law, thus avoiding infringement procedures ;
- 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.

The report noted that there is still room for improvement in the application of the procedure, namely concerning the number of notifications from some Member States and their compliance with the notification obligations. A higher number of notifications and a more active participation of Member States in the procedure would favour the prevention of new technical barriers.

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