Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Decision	1993/0489(COD)	Procedure completed
Free movements of goods: exchange of information on national measures Repealed by 2007/0028(COD) Subject 2.10 Free movement of goods		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	ECON Economic and Monetary Affairs, Industrial Policy	PSE GLANTE Norbert	27/07/1994
Council of the European Union	Council configuration	Meeting	Date
	Competitiveness (Internal Market, Industry, Research and Space)	1886	23/11/1995
	Social Affairs	1862	29/06/1995
	Competitiveness (Internal Market, Industry, Research and Space)	1851	06/06/1995
	Competitiveness (Internal Market, Industry, Research and Space)	1815	08/12/1994

Key events

15/12/1993	Legislative proposal published	COM(1993)0670	Summary
17/01/1994	Committee referral announced in Parliament, 1st reading		
29/03/1994	Vote in committee, 1st reading		Summary
29/03/1994	Committee report tabled for plenary, 1st reading	A3-0189/1994	
18/04/1994	Debate in Parliament		
20/04/1994	Decision by Parliament, 1st reading	T3-0237/1994	Summary
15/06/1994	Modified legislative proposal published	COM(1994)0250	Summary
08/12/1994	Debate in Council	1815	
29/06/1995	Council position published	07825/1/1995	Summary

14/07/1995	Committee referral announced in Parliament, 2nd reading		
09/10/1995	Vote in committee, 2nd reading		Summary
09/10/1995	Committee recommendation tabled for plenary, 2nd reading	A4-0241/1995	
25/10/1995	Debate in Parliament		Summary
26/10/1995	Decision by Parliament, 2nd reading	T4-0510/1995	Summary
23/11/1995	Act approved by Council, 2nd reading		Summary
13/12/1995	Final act signed		
13/12/1995	End of procedure in Parliament		
30/12/1995	Final act published in Official Journal		

Technical information

Procedure reference	1993/0489(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	Repealed by 2007/0028(COD)
Legal basis	EC before Amsterdam E 100A
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/06834

Documentation gateway

Legislative proposal		COM(1993)0670 OJ C 018 21.01.1994, p. 0013	15/12/1993	EC	Summary
Document attached to the procedure		COM(1993)0669	15/12/1993	EC	
Committee report tabled for plenary, 1st reading/single reading		A3-0189/1994 OJ C 128 09.05.1994, p. 0009	29/03/1994	EP	
Text adopted by Parliament, 1st reading/single reading		T3-0237/1994 OJ C 128 09.05.1994, p. 0127-0139	20/04/1994	EP	Summary
Economic and Social Committee: opinion, report		CES0556/1994 OJ C 195 18.07.1994, p. 0006	27/04/1994	ESC	Summary
Modified legislative proposal		COM(1994)0250 OJ C 200 22.07.1994, p. 0019	15/06/1994	EC	Summary
Council position		07825/1/1995 OJ C 216 21.08.1995, p. 0041	29/06/1995	CSL	Summary
Commission communication on Council's position		SEC(1995)1159	10/07/1995	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0241/1995 OJ C 308 20.11.1995, p. 0004	09/10/1995	EP	
Text adopted by Parliament, 2nd reading		T4-0510/1995 OJ C 308 20.11.1995, p.	26/10/1995	EP	Summary

		0097-0111			

Additional information

European Commission	EUR-Lex

Final act

Decision 1995/3052
OJ L 321 30.12.1995, p. 0001 Summary

Free movements of goods: exchange of information on national measures

The purpose of the draft decision was to establish a simple procedure whereby the Member States and the Commission would exchange information in order to enable the Community to administer in a transparent and pragmatic manner the mutual recognition of national legislation which had not been the subject of Community harmonisation. The proposed procedure concerned four categories of decision: - general prohibition of a design or type of product; - refusal of marketing authorisation; - modification of a contested design or type of product with a view to making it marketable; - withdrawal from the market. The procedure for exchanging information would only relate to the final decision taken on the product in question and not to previous measures taken for the sole purpose of formulating the final decision (precautionary and investigative measures). In addition, the procedure would only cover cases that were not already covered by the existing notification procedures for which Community legislation provided. ?

Free movements of goods: exchange of information on national measures

The Members adopted the draft report by Mr de la CAMARA MARTINEZ. The rapporteur felt that the measures should be suitably coordinated to prevent overlaps with the procedures for notification and information laid down by other provisions. In order that the enterprises, consumers and other parties concerned knew who to contact within the Commission and national administrations, the rapporteur suggested, on the one hand, the establishment of a contact body in each of the Member States and, on the other, the establishment within the Commission of a special coordination unit responsible for dealing with all the problems relating to the application of this directive. Mr de la CAMARA MARTINEZ believed that when a decision was likely to create unreasonable obstacles to the free movement of goods, the Commission should put forward suitable measures. ?

Free movements of goods: exchange of information on national measures

The European Parliament adopted the report by Mr de la CAMARA MARTINEZ on the national measures derogating from the principle of the free movement of goods within the Community. ?

Free movements of goods: exchange of information on national measures

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Free movements of goods: exchange of information on national measures

The amended proposal took over nine amendments adopted by the European Parliament, which aimed to: - underline the objectives of transparency resulting from the procedure on the exchange of information: the Member States and/or the Commission should have the possibility of reacting to the national measures derogating from the principle of the free movement of goods within the Community; - highlight the need to coordinate similar procedures for notification or information laid down by various Community rules; - point out that companies, consumers and other parties involved should know who to contact within the Commission and the administrations of the Member States when a problem arose in relation to the free movement of goods; - stipulate that the proposal for a decision should not lead to the creation of excessive bureaucratic structures; - mention the need to promote transparency by providing all the parties involved with complete and updated information on the application of the procedure; - point out that the information forwarded under the procedure should be detailed, clear and easy to understand; - stipulate that the Member States should make all efforts to guarantee that a point of contact or network of points of contact was established to act as a point of reference for all inquiries to establish why other national regulations were not recognised; - introduce an article calling on the Commission to improve coordination on all issues connected to the application of the decision, complaints relating to specific obstacles to the free movement of goods and general problems of mutual recognition; - stipulate that the Commission report on the functioning of the decision should examine whether or not the notifications made were coordinated with the notifications made under other Community instruments; However, the Commission did not accept the amendments which aimed to: - ensure that if the Commission or a Member State indicated that a notified national measure was likely to create unjustified obstacles to the free movement of goods, the Commission could propose appropriate measures, after having consulted the relevant committee and the European Parliament; - introduce a reference to Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations; to Directive 92/59/EEC on general product safety; and to the various directives on the internal market containing safeguard clauses. ?

Free movements of goods: exchange of information on national measures

The Council's common position incorporated all of the amendments tabled by the European Parliament that had been taken over in the Commission's amended proposal. The Council also included new provisions aimed at: - clarifying the situations under which the notification procedure established by the decision was to be applied; - defining the terms "judicial decision", in the strict sense, and "measures", in the broad sense; - defining in more detail the measures that should be notified and those that fell outside the scope of the decision: exclusion of measures relating solely to the protection of public morality or public order and exclusion of second-hand goods which, with time or use, had become unsuitable for being placed or kept on the market; - increasing from 30 to 45 days the period of time granted to the competent authorities to notify the information set out in the decision, with a view to taking account of the technical constraints involved in the administration; - clarifying that, in certain cases, the communication of certain information was subject to authorisation by the competent judicial authority; - providing for assistance from the Standing Committee set up by Directive 81/139/EEC and, where appropriate, information for the sectoral committees; - ensuring that the decision was implemented from 1 January 1997 by allowing the Member States six months from its entry into force to communicate to the Commission the measures it had taken to implement the decision. ?

Free movements of goods: exchange of information on national measures

In the Commission's view, the text of the common position - which integrated all the EP amendments retained by the Commission in its amended proposal - represented an excellent summary of the work carried out by the various EU institutions with a view to establishing a simple and effective procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community. ?

Free movements of goods: exchange of information on national measures

The committee adopted the recommendation for second reading concerning the establishment of a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community. Following the explanations by the Commission representative, the rapporteur withdrew the only amendment tabled at second reading and highlighted that almost all the amendments adopted at first reading had already been taken over. ?

Free movements of goods: exchange of information on national measures

Commissioner PAPOUTSIS expressed his satisfaction with the convergence between Parliament and the Commission, which was reflected in the text of the amended proposal. He also noted that the proposal sought to establish a procedure requiring the Member States to notify the Commission of the introduction of national measures derogating from the principle of the free movement of goods in the Union. This procedure would make it possible to ensure that the cases of non-application of mutual recognition in the areas not harmonised at Community level were limited to a small number of situations. Mr PAPOUTSIS confirmed that the Commission was in the process of examining the specific problems affecting small and medium-sized enterprises in this respect with a view to finding adequate solutions.

Free movements of goods: exchange of information on national measures

In adopting the report by Mr GLANTE (PSE, D), the European Parliament approved the Council's common position without amendments. ?

Free movements of goods: exchange of information on national measures

Following the European Parliament's approval of its common position, the Council adopted the decision establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community. The German and Dutch delegations voted against the text. Their explanations of voting were published in Press Release 7568/95 (Press 162) of 6 June 1995. The aim of the decision was to improve the implementation of Article 100B of the Treaty (mutual recognition of national measures in the absence of harmonisation at Community level), especially where greater transparency was concerned. It was designed to introduce a system of information exchange between the Member States and the Commission, leading in particular to the communication of cases of refusal to put on the market products which were legally manufactured or marketed in another Member State. The decision would enter into force on 1 January 1997.

Free movements of goods: exchange of information on national measures

OBJECTIVE: improving the implementation of Article 100b of the EC Treaty (mutual recognition of national measures, in the absence of harmonization at Community level), with particular reference to greater transparency. COMMUNITY MEASURE: Decision No 3052/95/EC of the European Parliament and of the Council establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community. SUBSTANCE: The decision introduces a system for the exchange of information between the Member States and the Commission, involving in particular the notification of refusal to place on the market products lawfully produced or marketed in another Member State. The information procedure covers four categories of decision: - a general ban on a

model or type of product; - a refusal to allow goods to be placed on the market; - the modification of the model or type of product concerned, with a view to its being placed on the market; - withdrawal from the market. The information procedure only concerns the final decision taken with regard to the product concerned and not the preliminary measures solely designed to permit the determination of the final decision (preventive measures and investigations). In addition, it does not apply to: - measures relating solely to the protection of public morality or public order; - measures relating to second-hand goods which, with time or use, have become unsuitable for being placed or being kept on the market. Notifications must be made within a period of 45 days. ENTRY INTO FORCE : 1 January 1997. ?