

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2022/0279(COD)</p>	Awaiting Parliament's position in 1st reading
<p>Amending certain Regulations as regards the establishment of the Single Market emergency instrument</p> <p>Amending Regulation 2011/305 2008/0098(COD) Amending Regulation 2016/424 2014/0107(COD) Amending Regulation 2016/425 2014/0108(COD) Amending Regulation 2016/426 2014/0136(COD) Amending Regulation 2019/1009 2016/0084(COD)</p> <p>Subject</p> <p>2 Internal market, single market 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 4.60.08 Safety of products and services, product liability</p> <p>Legislative priorities</p> <p>Joint Declaration 2022 Joint Declaration 2023-24</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Internal Market and Consumer Protection	 SCHWAB Andreas Shadow rapporteur  REPASI René  CHARANZOVÁ Dita  CAVAZZINI Anna  CAMPOMENOSI Marco  BIELAN Adam  PELLETIER Anne-Sophie	16/12/2022
Council of the European Union	Commission DG	Commissioner	
European Commission	Internal Market, Industry, Entrepreneurship and SMEs BRETON Thierry		

Key events			
19/09/2022	Legislative proposal published	COM(2022)0461	Summary
21/11/2022	Committee referral announced in Parliament, 1st reading		
18/07/2023	Vote in committee, 1st reading		
18/07/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
24/07/2023	Committee report tabled for plenary, 1st reading	A9-0244/2023	Summary
11/09/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
13/09/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
22/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.092 GEDA/A/(2024)001181	

Technical information	
Procedure reference	2022/0279(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2011/305 2008/0098(COD) Amending Regulation 2016/424 2014/0107(COD) Amending Regulation 2016/425 2014/0108(COD) Amending Regulation 2016/426 2014/0136(COD) Amending Regulation 2019/1009 2016/0084(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	IMCO/9/10148

Documentation gateway					
Legislative proposal		COM(2022)0461	19/09/2022	EC	Summary
Document attached to the procedure		SWD(2022)0288	19/09/2022	EC	
Document attached to the procedure		SWD(2022)0289	19/09/2022	EC	
Document attached to the procedure		SWD(2022)0290	19/09/2022	EC	
Economic and Social Committee: opinion, report		CES4098/2022	14/12/2022	ESC	

Committee draft report	PE745.282	10/03/2023	EP	
Amendments tabled in committee	PE745.535	31/03/2023	EP	
Committee report tabled for plenary, 1st reading/single reading	A9-0244/2023	24/07/2023	EP	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)001181	16/02/2024	CSL	
Text agreed during interinstitutional negotiations	PE759.092	16/02/2024	EP	

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

PURPOSE: to make targeted amendments to certain Regulations regarding emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: recent crises, such as the COVID-19 pandemic or Russia's invasion of Ukraine, have demonstrated some vulnerability of the Single Market and its supply chains in case of unforeseen disruptions and, at the same time, how much the European economy and all its stakeholders rely on a well-functioning Single Market. In the future, in addition to geopolitical instability, climate change and resulting natural disasters, biodiversity loss, and global economic instability may lead to other, new emergency situations. For this reason, the functioning of the Single Market needs to be guaranteed in times of emergency.

The impact of a crisis on the Single Market can be two-fold. On the one hand, a crisis can lead to the appearance of obstacles to free movement within the Single Market, thus disrupting its functioning. On the other hand, a crisis can amplify the shortages of crisis-relevant goods and services if the Single Market is fragmented and is not functioning.

The proposal therefore aims to address two separate but interrelated problems: obstacles to free movement of goods, services and persons in times of crisis and shortages of crisis-relevant goods and services.

It is part of a package of proposal establishing the [single market instrument for emergencies](#) (SMEI) and responds to the request, expressed by the European Council in its conclusions of 1-2 October 2020, to draw lessons from the COVID-19 crisis and to address the fragmentation, barriers and weaknesses of the Single Market in facing emergency situations.

CONTENT: the proposal aims to amend the harmonised rules established by a number of EU sectoral frameworks. These frameworks do not provide for the possibility for Member States to adopt crisis response measures by derogation from the harmonised rules.

The proposal is based on Article 114 TFEU, which is the original legal basis for the adoption of the following five sectoral frameworks, which this proposal aims to amend:

- Regulation (EU) 2016/424 on cableway installations;
- Regulation (EU) 2016/425 on personal protective equipment;
- Regulation (EU) 2016/426 on gas appliances;
- Regulation (EU) 2019/1009 on fertilising products;
- Regulation (EU) 305/2011 on construction products.

The EU sectoral frameworks, which are considered in the context of this proposal are the ones, which are among the so-called harmonised products. These sectoral frameworks lay down harmonised rules regarding the design, manufacture, conformity assessment and placing on the market of such products. Essentially, these sectoral frameworks introduce for each respective sector/product category the essential safety requirements which the products should meet and the procedures how to assess the compliance with these requirements. These rules lay down full harmonisation and therefore the Member States cannot derogate from these rules, even in a case of emergency, unless the respective framework provides for such a possibility.

Another common feature of these frameworks is that they are more or less closely aligned to the general principles laid down in Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, which lays down reference provisions for the drawing up of Community legislation harmonising the conditions for the marketing of products.

The changes that this proposal aims to introduce cover the following aspects:

- (1) prioritisation by the notified bodies of the conformity assessment of products designated as crisis-relevant;
- (2) possibility for the national competent authorities to issue temporary authorisations for crisis relevant products, which have not undergone the standard conformity assessment procedures, provided that the products comply with all the applicable essential requirements and provided that the authorisation is limited to the duration of the Single Market emergency and to the territory of the issuing Member State;
- (3) possibility for the manufacturers to rely on relevant international and national standards during an emergency if no harmonised standards are available and if the alternative standards ensure an equivalent level of safety;

(4) possibility for the Commission to adopt via delegated acts voluntary or mandatory common technical specifications for crisis-relevant products;

(5) prioritisation of the market surveillance activities for crisis-relevant goods.

The general objective of the initiative is to lay down the mechanisms and procedures, which would allow to prepare for and to address potential crises and disruptions to the proper functioning of the Single Market. Such measures are also aimed to minimise the intra-EU obstacles to the free movement in times of crisis.

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

The Committee on the Internal Market and Consumer Protection adopted the report by Andreas SCHWAB (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2019/1009 and (EU) No 305/2011 as regards emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency.

The proposal aims to address two distinct but interrelated problems: obstacles to the free movement of goods, services and persons in times of crisis, and shortages of crisis-relevant goods and services. It is part of a package of texts establishing the single market instrument for emergencies, which Members propose to rename the Internal Market Emergency and Resilience Act (IMERA regulation).

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows.

The proposal aims to amend the harmonised rules established by a number of EU sectoral frameworks. These frameworks do not provide for the possibility for Member States to adopt crisis response measures by way of derogation from the harmonised rules.

The Commission proposes to amend the following sectoral frameworks:

- Regulation (EU) 2016/424 on cableway installations;
- Regulation (EU) 2016/425 on personal protective equipment;
- Regulation (EU) 2016/426 on gas appliances;
- Regulation (EU) 2019/1009 on fertilising products;
- Regulation (EU) 305/2011 on construction products.

Members believe that this proposal should also amend:

- Regulation (EU) 2023/988 laying down essential rules on the general safety of consumer products placed or made available on the market.
- Regulation (EU) 2023/1230 on machinery and equipment.

The proposal provides for the possibility for competent national authorities to exceptionally and temporarily authorise the placing on the market of products that have not been subject to the usual conformity assessment procedures required by the Union. Members specified that the authorisation granted for products on an exceptional and temporary basis should remain valid for six months after the deactivation or expiration of the internal market emergency mode, where it does not affect the health and safety of consumers. After this period, products should only be made available on the market after having received authorisation under the normal authorisation procedure provided for under the applicable rules.

In addition, the national competent authorities should be able, in the context of an ongoing internal market emergency, to derogate from the obligation to carry out those conformity assessment procedures laid down in those Regulations, where the involvement of a notified body is mandatory and should be able to issue authorisations for those products, provided that they comply with all the applicable essential safety requirements and that the safety of consumers and end-users is fully assured. The principle of mutual recognition should apply to goods placed on the market under that derogation.

Products manufactured during the internal market emergency mode, where derogation from the conformity assessment procedures was authorised, should also be subject to the relevant obligations of traceability provided for in Regulation (EU) 2023/988.